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ABSTRACT

This guide is intended as an aid to elementary school classroom teachers in Vermont as they develop and implement legal education programs. It presents background materials for the teacher, 22 sample lessons drawn from various curriculum projects, and a bibliography of law-related resources. The document is presented in three major sections. In the first section, the guide is introduced and a rationale for law-related education is presented. In addition, the teaching strategies used in the sample lessons are introduced. The second section offers sample lessons on five topics--the need for law, freedom, authority, fairness, and conflict. Students are involved in a wide variety of activities, including playing educational games, roleplaying, analyzing literary works such as "The Tale of Peter Rabbit" for relevant legal concepts, filling in charts and graphs, answering questions orally and in writing about case studies presented as part of several lessons, and devising rules to regulate class behavior. For each activity, information is presented on background, objectives, procedures, and reading selections. In the final section, suggestions are made to help teachers obtain and use a variety of outside resources for teaching law-related education. Suggestions refer to curriculum packages, ideas for using law-related resource people, and field-work in the school and/or classroom. The document concludes with a bibliography of children's books that lend themselves to teaching legal concepts. (Author/DB)

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VERMONT ELEMENTARY LAW-RELATED EDUCATION GUIDE, 1981.

by
James Lengel
And Others

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PURPOSE OF THIS BOOK

HOW TO USE IT

This guide is designed to help Vermont elementary-school teachers and principals make a study of law part of the curriculum. It contains background materials for the teacher, a set of 22 sample lessons drawn from various curriculum projects, and a bibliography of further resources. It is not a complete curriculum for teaching about the law; it is meant only to introduce the important concepts and to demonstrate some sample teaching strategies. The teacher or school that wishes to develop a complete curriculum program in law-related education should first try out the lessons in this book, and then select from the many excellent published materials that are listed on pages 67 - 69.

This book was assembled by the staff of the Vermont Legal Education Project at the Vermont State Department of Education, under the auspices of a grant from the U.S. Department of Education. The first part of the book (pages 1 - 16) is an introduction to and rationale for law-related education, designed for the teacher's background. It contains an article by Charlotte Anderson on the overall purpose of law-related education, followed by John Nelson's description of the five law-related concepts that are used to organize the lessons. Part one concludes with descriptions of the variety of teaching strategies that can be used in this field, and which are illustrated in the sample lessons: role play, mock trials, case study, children's literature, and questioning strategies.

The bulk of this guide is the sample lessons that make up part II. We have included lessons for very young children and for older elementary school students, with an attempt to present a wide range of levels and styles of learning. The lessons were for the most part reprinted or adapted from materials that are commercially published or developed in other states. A few were developed expressly for this guide. The lessons are organized according to the concept that they are supposed to teach. So the first three lessons are about the Need for Law, the next four are about Freedom, the next three on Authority, and so on. They are not designed to be used in the order they are presented; they are but samples drawn from complete curriculum projects. We hope that they will spur the teacher's interest to investigate these projects further. Part II concludes with a chart of all the sample lessons, keyed to the skills that are practiced in each one.

Part III of the guide is a set of suggestions for the teacher on obtaining and using a variety of outside resources for teaching elementary-school students about the law. Selected curriculum packages that are currently on the market are described, with instructions on how to purchase them. You should find all of the sources for the sample lessons here. This listing is followed by some ideas for using law-related resource people and field-work in your school or classroom. The guide ends with a bibliography of children's books that lend themselves to the teaching of legal concepts.

The assemblers of this guide are indebted to the people who have developed these lessons and given us permission to reprint them. We thank also the many Vermont elementary school teachers and principals who participated in our training programs and reacted to this manuscript. Special thanks is

due to the staff of the American Bar Association's Youth Education for Citizenship Committee; to our supervisors at the State Department of Education, and to the co-sponsors of the Vermont Law-Related Education Project.

Montpelier, Vermont
August, 1981

Daniel Gregg, Social Studies Consultant
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The following excerpts are from a longer article by Charlotte C. Anderson, coordinator of the Law and Humanities project of the American Bar Association. The full article appeared in the May 1980 edition of Social Education.

The author begins by reminding readers that the aims of law-related education are not new. The following chart is then discussed to show how law-related educators might best view student progress toward those established learning objectives.

Promoting Responsible Citizenship Through Elementary Law-Related Education

Charlotte C. Anderson

Critical Learning Outcome Continuums in Law-Related Education

Children moved away from:		*Children moved toward:*
perceiving law as restrictive, punitive, immutable, and beyond the control and understanding of the people affected	⟶	perceiving law as promotive, facilitative, comprehensible, and alterable
perceiving people as powerless before the law and other socio-civic institutions	⟶	perceiving people as having potential to control and contribute to the social order
perceiving issues of right and wrong as incomprehensible to ordinary people	⟶	perceiving right and wrong as issues all citizens can and should address
perceiving social issues as unproblematic	⟶	perceiving the dilemmas inherent in social issues
being impulsive decision-makers and problem solvers who make unreflective commitments	⟶	being reflective decision-makers and problem solvers who make grounded commitments
being inarticulate about commitments made or positions taken	⟶	being able to give reasoned explanations about commitments made and positions taken
being unable to manage conflict in other than a coercive or destructive manner	⟶	being socially responsible conflict managers
being uncritically defiant of authority	⟶	being critically responsive to legitimate authority
being illiterate about legal issues and the legal system	⟶	being knowledgeable about law, the legal system, and related issues
being egocentric, self-centered and indifferent to others	⟶	being empathetic, socially responsible and considerate of others
being morally immature in responding to ethical problems	⟶	being able to make mature judgments in dealing with ethical and moral problems

Learning Outcomes

Rather than think in terms of some final, discrete learning outcomes, those of us working in law-related education have found it far more useful to consider the "directions" in which we wish to be moving or the growth patterns we wish to foster. From this perspective, it is possible to define LRE learning outcomes as movement along a set of continuums which have at one end characteristics inimicable to effective, responsible citizenship and at the other end characteristics needed by citizens of a pluralistic, democratic society. Seen in these terms, the major goal of law-related education is to move children away from negative characteristics and toward characteristics more in keeping with the demands of democratic stewardship. Hence, LRE is congruent with good social studies in general and is a means of fostering the goals of citizenship education.

The set of continuums on the next page represents some of the most critical learning outcomes sought by elementary law-related programs.

The best LRE programs provide learning experiences designed to move children along several of the continuums simultaneously. A good illustration is the City Building program based in Los Angeles, in which children build a model city in their own classrooms. As they make the structures of the city, they see that the ways in which cities are built can either have good effects on the people who live there or bad effects. Further, they—as the imaginary citizens searching for ways of achieving a good society—come to see themselves and others as having control over their own environments.

When students confront a problem in building their model city, they often go out of their classroom to see how their real city works. For example, they may discover that a plan to build a factory in their model city will create new revenue for the city but will displace many residents and possibly pollute the environment. At this point they may go to factory owners, city council members, and relevant citizens groups in their community to learn how adults have solved such problems in real cities. Sometimes, of course, children discover that adult solutions are not necessarily ideal and they, themselves, may come up with better ones. In working through such situations, children learn that laws, contracts, negotiation, and other law-related processes can help us create societies dedicated to the common good.

These educational experiences move children along several of the continuums identified on the next page. By carefully monitoring the whole process, from the initial building of the model city through the exploration into the community, teachers help children learn alternative and socially responsible ways of managing conflict. Students work through complex social issues dealing with right and wrong—or shades in between—and experience the dilemmas inherent in social issues. The process sensitizes children to the need to explore alternatives before reaching a final decision. And, having so carefully arrived at a solution, they are better able to communicate the reasons behind the decision they have made.

Characteristics of the Learning Environment

No one working in law-related education has a magic spell guaranteed to move children along all the continuums that define the outcomes of good LRE programs. But it is becoming increasingly evident that we must attend to the characteristics of the total learning environment if we are to move children toward responsible citizenship. In developing LRE programs, teachers and other practitioners should continually work toward a learning environment that exemplifies these characteristics.

The informal and formal curricula reinforce one another, working toward the same goals. A wealth of research demonstrates the futility of concentrating on the written, formal curriculum while ignoring "the lessons" children are learning from the way the classroom is managed, the playground monitored, and all other aspects of the informal curriculum.[3] Classroom lessons on conflict management, for example, can be devastatingly undermined if playground disputes are regularly unmonitored or mismonitored—the converse, of course, is equally possible.

School and classroom rules are public information, as are the reasons behind the rules. To the extent appropriate and possible, the individuals affected by the rules participate in making them. If children don't know the rules, they can comply only by happenstance. If they don't understand the reasons behind the rules, they are likely to perceive rules as arbitrary and/or useless. Explicit and public, school and classroom rules can reduce management/discipline problems and enrich children's understanding of a law-based society.

It should be noted that each of the conditions indicated here for school and classroom rules applies to law in a democratic society. One of the basic principles of the law is notice—people must be informed and have access to information about the law. And, of course, the citizenry participates in making the law.

Of course, children can't make all the rules. Legitimate restrictions, it seems to me, can be based on developmental considerations that will, for example, appropriately extend more rule-making privileges to twelve-year-olds than to five-year-olds. They can also be based on socio-political considerations that will prevent the school/classroom community from determining all the rules it must comply with, since federal, state, and local laws and ordinances penetrate into these settings.

Teachers structure learning experiences around the law-related content in both the formal and informal curriculum. Law and law-related issues are not the sole preserve of social studies but, rather, crop up throughout both the formal and informal curriculum. The stories in children's readers, for example, regularly treat issues of fairness, responsibility, authority, privacy, personal rights, and group welfare. Science lessons on ecology and the environment address questions of rights and responsibilities, ownership, and fairness. And, of course, children regularly confront all of these issues plus many more in their classrooms and on the playground.

Given the crowded curriculum, teachers will necessarily have to be discriminating in this approach. One way to handle this is to concentrate on a single law-related concept or process over a given period of time. For example, rules and the processes of rule-making, rule-evaluating, rule-enforcing, and rule-changing might be the law-related focus for two to four weeks. Opportunities for addressing rules would, thus, be sought out and developed in lessons across subject areas and in interacting with the children in group activities.

Law-related content is infused into the existing curriculum, not added on as a separate course of study. This guideline is implied in the immediately preceding one, but the concept of "infusing" rather than "adding on" is critical enough to warrant separate and explicit treatment. By approaching LRE in this manner, two things are more likely to be achieved. First, undue stress will not be put on an already overcrowded curriculum. Second, by teachers infusing law-related instruction throughout the curriculum children's learning is likely to be enhanced because the issues are addressed where children encounter them.

Children are provided with participation opportunities. Learning environments which promote citizenship education will give children many opportunities to participate in the civic life of classrooms and schools. Valuable learning occurs when children have opportunities to:

- make, evaluate, enforce, and change rules
- experience conflict and identify, evaluate, and apply alternative strategies to manage that conflict
- choose leaders and assume leadership roles
- negotiate and follow through on contractual arrangements, including such seemingly simple childlike agreements as: "I'll bring the ball if you bring the bat." "You use the swings today. We get them tomorrow." "I'll water the plants for the next three days."
- confront situations where a choice must be made between apparently equally legitimate positions
- have one's individual freedom curbed for the general welfare of the group
- make and carry out decisions affecting groups
- confront existentially the timeless and universal social, moral, ethical dilemmas (e.g., freedom versus security, individual rights versus the public good, order versus justice, privacy versus access, property rights versus equal access).

Each of these experiences can be related to an important competency for adult citizens. Each is also closely associated with the legal system and law.

Adults in the school model the behaviors and competencies sought in children. One of the key ways children learn is by observing and modeling the behavior of others. By modeling such vital law-related behaviors as respecting privacy, managing conflict in socially responsible ways, and applying due process, adults in the school are demonstrating both how these "work" and that they are socially valued behaviors.

The law-related experiences and learning common to childhood and specific to target children are recognized and accommodated when structuring learning experiences in the school and classroom. All children encounter private or informal law in their families, playgrounds, and classrooms. They experience public or formal law through stop signs, police officers, warnings on medicine bottles, and restrictions on activities in parks and other public areas. What children learn through these encounters affects how they will respond to the instruction they receive in school. If, for example, children feel bombarded by the restrictions of laws and rules, they are likely to be in no frame of mind to accept the teacher's dictum that "Laws and rules help us live safer, happier lives." A better strategy would be to explore carefully with the children where and when they encounter laws and rules, how they respond to these, and, finally, what the reasons are behind these laws and rules.

Developmentally appropriate methods and materials are used in conveying law-related issues and content. Appropriate strategies for elementary schools include unfinished stories focusing on common childhood dilemmas, dilemmas that are fundamentally similar to what adults encounter within the legal system—e.g., questions of ownership, invasion of privacy, curbing individual freedom within social settings, bearing false witness (telling a "fib"), reporting the witnessing of a criminal act ("reporting" or "tattling").

We are not so concerned that children learn the structure of the legal system as we are that they be equipped with the abilities to understand the basic principles on which these structures rest.

The total school environment reflects, promotes, and is a living embodiment of the principles of a democratic pluralistic society based on the rule of law. The extensive literature on educational change and innovation reveals that the school is the smallest unit or setting in which it is possible to achieve lasting change. This means it is not enough to change one classroom; you have to change the whole school. This is a particularly important consideration when the focus is social education, so dynamically affected by the informal curriculum.

On a daily basis children move from setting to setting, from jurisdiction to jurisdiction. One moment they are in a classroom with their "regular" classmates and teacher and the next in the library or on the playing field with other children and authority figures. Each new year is heralded by en masse shifts to new home-base classrooms. If this year's curriculum does not build upon last year's and build toward next year's, growth will be stymied and long-range goals unmet.

Summary

In this article I have specified the major types of desirable elementary LRE learning outcomes and delineated several characteristics of school learning environments that appear to promote these outcomes. As more elementary law-related programs are developed and implemented in classrooms, our collective perspective on desired learning outcomes, facilitative learning environments, and appropriate learning experiences will undoubtedly shift and expand. In the meantime, the following articles illustrate some features of some of the best existent law-related education programs.

LAW-RELATED CONCEPTS

The chief purpose of law related education is to lead young people to understand ideas about law, society, and justice. Each legal case involves some important general concept. An ability to solve problems related to those concepts is more useful than a knowledge of specific laws. Therefore, the sample lessons in this book are organized into five concept categories. To aid in the consideration of the concepts chosen, a brief explanation of the rationale for each follows:

1. Need for Law. Often the first questions raised when beginning to study a new content area relate to the relevance of the content itself. In the case of law related studies, students might begin by considering why we have a system of laws in the first place. Since rules restrict the freedom of individuals to act, it is important to understand the need for rules. What benefits do we derive from having our actions restricted and regulated by laws? Do the benefits justify the infringement on our liberties? What kind of society would we have if we had no laws or rules to govern our conduct? By exploring the need for rules in various settings, students may gain a personal understanding of the role of law in the modern world.

2. Freedom. As children, many of us learned the retort, "It's a free country!", and felt that we lived under special circumstances. As we study the freedoms we enjoy, however, we learn that individual rights are not absolute. The substance of many of our freedoms is found in the Bill of Rights, and a major role of our legal system is to balance the interest of individuals to live in freedom with the interests of all us to have a secure and safe environment. As students are exposed to the difficult questions involved in striking that balance, they should see the necessity for tolerance among citizens.

3. Authority. Children, perhaps more than adults, feel surrounded by authority. The playground bully represents one form of authority; the parent or teacher represents another. It is useful, therefore, for students to be able to distinguish between power and authority, and to recognize legitimate as opposed to illegitimate authority figures. Few law related concepts are as central to the lives of students as authority.

4. Conflict. The legal system deals with, and sometimes tends to encourage conflict. History has been shaped by conflict. Among the central questions for students to consider are these: "Is conflict a necessary part of life?"; "Is conflict between people always to be avoided?"; "What benefits may we derive from an orderly system of conflict resolution?"; "How does our legal system help to resolve various kinds of conflict?"; and "Are there better ways to resolve conflict than those presented by formal legal procedure?"

5. Fairness. The words "Equal Justice Under the Law" are inscribed in court rooms all across our country. Our legal system has as its most lofty goal that of making all people equal in the eyes of the law. Moreover, the legal system has been a major vehicle for securing social and political justice and equality for historically oppressed American minorities. Yet, in the law as elsewhere, equality and fairness have been most elusive goals. Today's students will be faced with increasingly difficult challenges as they become citizens and attempt to administer and preserve a just society. By beginning now to analyze and solve problems of justice and equality, they will be better prepared to meet those challenges.

LAW-RELATED TEACHING STRATEGIES

CASE STUDIES

By using case studies, whether real or hypothetical, students can analyze conflicting points of view and grapple with realities they face each day in their relationships with other people. A case which is chosen to present unsettled questions can be a very successful classroom approach. After discussion, students may have differing opinions. This disagreement can create a classroom atmosphere favorable to the introduction of additional resource material for background or perhaps an outside speaker who can provide new data on the subject for the class.

If students are encouraged to analyze cases in the following manner, they will begin to see that there are few certainties in the law and that the way one goes about finding an answer may be as important as the answer itself.

1. What are the facts? Students should first attempt to restate the facts of the case as clearly and concisely as possible. It is particularly important that students recognize the difference between facts that are important to a resolution of the problem, and those that are not.

2. What is the problem? Students should attempt to make a general statement about the problem presented by the case. "Was what happened fair?"; "Did he keep his promise?"; "Should she have to pay for the repairs to her bike?" If students can read a case carefully enough to make simple "whether or not" statements of the problems or issues raised, they will gain a great deal from the exercise.

3. How should each of the problems or issues be resolved? After students have analyzed the facts of the case, and defined its problems or issues, they must decide how each question should be resolved.

Decision-making is an everyday happening in law. It is a challenging lesson to students that a decision must be made to resolve the problem--someone will win and someone will lose.

4. It does not help to decide a certain way because that answer sounds "right" or "just". Why is that answer appealing? What are the interests in balance, and how can we make a rule that will help others analyze this kind of problem in the future? Discussion of solution to the unanswered questions in the case will demonstrate clearly to students that there are often two or more 'good' answers to difficult questions. This may be the most important lesson of any case.

COLLAGES: A VISUAL APPROACH TO CASE STUDY

One other strategy which can be an enjoyable and educational activity for the students is to divide them into small teams and have them prepare collages -- using newspaper and magazine clippings -- which depict the facts and issues in the case. The objective is to employ a non-verbal approach to the case study method. In addition to illustrations, words

can be used by cutting out letters and affixing them to the paper or cardboard. The collages can later be displayed on the classroom bulletin board, thereby giving recognition to their efforts.

ROLE-PLAYING AND SIMULATION GAMES

Role-playing is another classroom technique which can be very useful in law-related education. The main purpose of this method is to develop students' abilities to empathize with individuals different from themselves, and points of view different from their own, to learn how it feels to be in someone else's shoes for a short while. This promotes active student involvement in taking the roles of attorneys, probation officers, policemen, judges, or public officials in simulated true-life situations. A full scale role-playing activity requires considerable time and effort on the part of the teacher and/or students so that participants have an adequate understanding of the responsibilities and duties associated with each role. Without such preparation, the time spent in the simulation may be pointless.

Simulations can be designed for institutional settings such as a school disciplinary hearing, a juvenile court disposition, or a Supreme Court case. The specific roles involved can be assigned to students, and a set of procedures followed, with possible time limits for such processes as opening arguments, cross-examination, deliberation, and decision. (More precise instructions for a few simulations are included later in this manual.) The teacher may wish to participate in role-playing exercises by assuming roles such as chairman of a town meeting, Chief Justice of the Supreme Court, or a juvenile judge. This provides the opportunity to insure that proper procedures are followed and can serve to demonstrate to students how the role might actually be carried out.

Role-playing can also be used on a small-scale, informal basis, as many of the following lessons show. Students can be asked very simply to stand up and explain a situation in terms of a given character-- they could role-play...

- an arrest between a police officer and a criminal.
- a conference between an accused person and his lawyer.
- two young children arguing about whether or not to obey a rule.

In these informal role plays, the teacher must make it clear who the characters are and what situation they're in. It's often useful to ask the role-players to give <u>reasons</u> for their decisions.

TEACHING WITH DILEMMAS

Dilemmas are stories that dramatize an unresolved situation. These three examples invite classroom discussion about the problem of whether or not to tell the truth. Several strategies for teaching them are described on the following pages. Note that these fit in well with basic competency #11 in reasoning.

STORY I

Patrick and six of his friends visit the local fishing area with Dave, their camp counselor. As a special treat, Dave has made arrangements with a local lobster fisherman to take the children out in his boat for a ride.

When Dave and Captain Conner leave for a few minutes to check weather conditions at the Coast Guard Station, they put Patrick in charge, but before they go, Captain Conner explains his rules about the boat. NOBODY is to set foot on his boat unless he is present. He warns the children that if this important rule is broken, the whole trip is off, and no one will get a ride.

Tempted by gauges, levers, the steering wheel, and some fishing lines on the boat, three children climb aboard. However, the others eventually persuade them to get off before Dave and Captain Conner return.

The children ask Patrick what he intends to do about the kids who got on the boat. Will he tell or not? Patrick's decision is a complicated one because his desire to tell the truth conflicts with several other values strongly held by children Patrick's age. Concern about having and keeping friends, doing things that are fun such as going on a fishing trip, and being fair in regard to the children who stayed off the boat as they had been told are issues that must be considered.

The pupils, as well as Patrick, must make up their minds -- what is the right thing for Patrick to do? Careful consideration of all conflicting reasons is encouraged before final judgments are made.

STORY II

For her seventh birthday, Debbie's father has promised to take her to the State Fair. She also may choose five rides as part of her present. Debbie and her father arrive at the fairgrounds and walk along outside the fair to the ticket gate. They see many of the rides, hear the music, and even get to see part of a parade through the fence.

When Debbie and her father approach the gate to buy their tickets, Debbie's father discovers he has left his wallet at home. He has just enough pocket change for two admission tickets, but that means no money left over for rides. Debbie is so disappointed that her father suggests she might

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say that she is six years old instead of seven. That way she can get in for half price and use the money left over for rides. Of course, this would mean Debbie would have to lie about her age, and on second thought her father wonders if that is such a good idea. The final decision is left up to Debbie.

STORY III

Jason is taking a brand-new sled to his cousin's house to hide it --- tomorrow is his brother's birthday. Passing the park, he sees children sledding, and it looks like a lot of fun. Maybe just one run, and the sled would still look like new.

His friend Lionel doesn't agree. You shouldn't use someone else's property, he says. All the same, Jason decides to enter a sledding race. Then he decides to take on Suicide Hill. Lionel warns him against it, but Jason climbs to the top, sleds down the hill -- and crashes into a tree. The sled is broken.

With help from Karen and Matt at the community center, Jason tries to find a piece of wood just right for fixing the sled. But the only piece that fits belongs to Lionel. Karen thinks Lionel will understand if Jason borrows the wood without asking. Matt disagrees -- he reminds Jason how strongly Lionel disapproves borrowing others' things without asking.

What should Jason do?

If the most of the class thinks he <u>should</u> borrow it, ask:

* Lionel was planning to use that piece of wood for something special. Does that make a difference?
* Remember Lionel didn't think Jason should even use the new sled. What will he think about taking his wood?

If most of the class thinks he <u>should not</u> borrow it, ask:

* How important is a piece of wood anyway? Can Jason replace it?
* How will Jason's brother feel if he gets a broken sled for his birthday? How would <u>you</u> feel?

Other questions:

* Will Lionel still be Jason's friend if Jason takes the wood without asking?
* What do you think about Jason riding the sled in the first place?
* Won't Lionel understand that Jason really needed the wood right away, and didn't have time to ask him?
* Suppose Jason tells his father and brother about the sled. Would <u>they</u> approve of borrowing Lionel's wood?

There are a number of activities which might help to continue the process begun in discussion. The extent of those activities depends, of course, on the abilities of your particular class. Here are some suggestions which may be useful:

1. Debate. It is important to encourage children to focus on reasons for their moral decisions. One way to accomplish this is to organize a debate between two teams. Children can debate whether or not Jason should use Lionel's wood to fix the sled.

   Or they can debate two sharing or compromise solutions to the dilemma which might come up in class discussion. Let about 6-8 children sit in two rows of chairs facing each other and give one or two reasons each for their team's side. The remainder of the class will judge which team has the best reasons, voting by secret ballot.

2. Role-playing. There are many dilemmas similar to this and there is much to be gained by acting them out. The teacher is advised, however, that role-play of either dilemma presented in the filmstrips will result in little more than a memory exercise. Of course, the children may role-play the ending of the story -- what happens after the filmstrip is over. Or they might role-play the following situations:

   * Two friends are playing catch. One throws the ball a little high and the other misses the catch. The ball breaks a window. Now, one child plays the thrower, one plays the child who missed the catch, another plays the owner of the house where the window was broken.

   * You find five dollars on the playground. When you tell the teacher you found it, two children say that they lost it. One child plays the finder, two others play the children who say they lost five dollars, and a third plays the teacher.

3. A child may voluntarily make reference to a situation in which he or she borrowed something without asking. The class might discuss whether or not the final solution was a good one. This may be a good time to discuss intentions -- "When you borrowed it, did you intend to give it back?" What is the difference between taking something when you intend to return it, and when you do not intend to return it (or cannot return it, as in taking someone else's candy)?

4. Set up a class court to decide a moral question. Complete with judge, jury, and attorneys, the court could generate a solution fair to both sides. It is emphasized that hypothetical moral dilemmas are best for the class court, since trying specific classroom incidents involving members of the class might create hard feelings.

5. Children always seem to want to know how the stories end. There are several ways to capitalize on this concern. As mentioned before, they might role-play what happens after the filmstrip ends. Let one child play Jason's father, another Jason's brother, and let another play Lionel.

In addition to role-play, children may like to draw pictures, or write stories about how they think the filmstrip should end.

6. "Take a Stand". Buzzy Litz, a sixth grader at Meramec School in Clayton, Missouri, designed an activity we think the primary grade teacher will find useful. Mrs. Barbara Long, a psychologist who worked with Buzzy's class, reports it in the March 1972 issue of Grade Teacher (Decisions, Decisions", pg. 20, for those interested in its application at higher grade levels). It is a simple activity children enjoy, and it is a valuable tool for stressing reasons and for making children aware that different moral dilemmas require different solutions.

   First, use chalk or tape to establish five lines on the floor. Read the Jason Story and have the children discuss it in buzz groups. Then, put about ten children picked at random on the center line, which stands for undecided. Show them that the line nearest them on the right stands for "maybe Jason should use Lionel's wood." The outside line on the right stands for "Jason should definitely use Lionel's wood". The inside line on the left stands for "maybe Jason should not use Lionel's wood." The outside line on the left stands for "Jason should definitely not use Lionel's wood."

   Each child on the "undecided" line should be asked in turn to move to the line that corresponds to his opinion about the dilemma. But to move, the child must first give a reason or repeat one given by a classmate or a character in the filmstrip. When each child has moved to his line and given his reason, ask the children if they want to change their minds, having heard all the reasons. Let the children on one side encourage children on the other to change lines by offering more reasons. Or let children who are not playing contribute reasons. But remember, whenever a child changes lines, he should be encouraged to give a reason for changing.

   In order to stimulate children to rethink their positions, vary the dilemmas. You might try variations, such as these:

   1. Suppose Lionel had used the sled too. Now, should Jason use his wood or not?
   2. Lionel hasn't made any lines. It's just a plain piece of wood. Do you want to move?
   3. Instead of a piece of wood, Jason takes some money from Lionel's desk to buy a new sled. What do you think?
   4. Lionel doesn't like to help out. Once before, Jason was in a real emergency and Lionel didn't lift a finger to help him. Does that make a difference?
   5. Jason borrowed Lionel's wood before and didn't replace it. Should he take it now? Do you want to change lines?

PROBE QUESTIONS

FOR LAW-RELATED DISCUSSIONS IN ELEMENTARY SCHOOLS

Teachers need a repertoire of questions if they are to lead students to understand legal concepts and issues.

These questions are designed to get students to think and express their reasoning about law-related issues. They can be asked about just about any story or case or conflict. They can also be used to teach many of the basic competencies in reasoning.

1. To help them see that there really is a problem or issue:

   . Tell me what happened in the story.
   . What's (his)/(her) problem?
   . What's wrong at the end of the story?
   . What does (name) have to figure out?
   . What's the matter here?

2. To help them see the situation from various points of view:

   . What is (name) thinking right now?
   . How would you feel if you were (name)? Why?
   . What will (name) father think when he finds out? Why?
   . How will that make his (father, brother, friend) feel? Why?
   . Is what happened fair to (name)? To (another name)?

3. To get them to take a position:

   . What should (name) do now? Why?
   . What's the right thing to do? Why?
   . What would you do if you were in her place? Why?
   . If you had to do one or the other, what would you do? Why?
   . What is (name) going to do now? Is that right or wrong? Why?

4. To get them to express reasons:

   . Why is that the right thing to do?
   . Give me a reason why she shouldn't do that.
   . Give me another reason.
   . Suppose (name) did that. How would he explain himself? Is he right? Why?
   . Why did (name) do what he did? What was he thinking when he did it?
   . Why should you (keep a promise) (save a life) (cheat) (not steal) (be nice to your friends) etc.?
   . What's the reason for that?
   . Can you think of one reason why it's good, and one reason why it's bad to do that?
   . A boy in class last year said it was wrong to do that. What reason do you think he gave?

5. To get them to generate alternatives:

   . What could __(name)__ do now?
   . Let's list all the things that could be done.
   . What else could he do?
   . How else could __(name)__ have solved this problem?

6. To get them to generate consequences:

   . What will happen if he does that?
   . Then what will happen?
   . What will his father think if he does that? How else?
   . What will happen next? What else could happen?
   . How will the story end?

SAMPLE LESSONS:

NEED FOR LAW

- BUCKLE GAME
- THE TALE OF PETER RABBIT: A LAW-RELATED TRAGEDY
- THERE OUGHTA BE A LAW!
- RULES OF THE OLD WEST

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LEGAL EDUCATION LESSON PLAN: "BUCKLE GAME"

PURPOSE: To teach the necessity and purpose of rules.

AREAS CONSIDERED: Introduction to Legal Concepts - Need for Law

AGES APPROPRIATE: 7 to 13

MATERIALS REQUIRED: Any items small enough to be held in the hand of similar shape and size (bottle caps, buckles, checker pieces, poker chips)

PROCEDURES:

Game I: Pass out the buckles to each of the participants. Tell them to play. Watch the individuals as they try to figure out the purpose of the game, to develop their own games, or to question what to do. Stop at this point and ask them what's the matter. Discuss the idea that a game must have a purpose and certain rules and structure for everyone to follow.

Game II: Solicit rules for Game I from the group, taking as many as you can, and list them on the blackboard. Watch the participants as they see that the rules contradict each other and get more difficult to follow. After the rules are written, have them play the game now that they have rules. They will try to follow the rules but reach a frustration point. Then stop and discuss the problem that too many rules cause, and what kind of rules you need to play a game.

Game III: Ask the group to pass all the buckles to one chosen person in the class. Then declare that person the winner. Question: Does this bother anyone? Discuss the arbitrary decision on the part of the teacher and how arbitrary rules are unfair, etc.

Game IV: Divide the group into equal teams for a relay race. Tell them that they have been complaining about the rules of the other games, so that now you will give them a purpose and definite rule. Tell them to pass the buckle back over their shoulder all the way down the line and that the first team to reach the end wins the game. Start them, but as they reach the middle of the line, stop them and tell them that you forgot one rule. Make up another rule and start them again. Repeat this procedure a couple of more times, until they reach a frustration point. Then ask them to discuss what is wrong with these kinds of rules. (You can get into a discussion of ex post facto laws, if you desire.)

Teacher discussion afterwards can also bring out the fact that we too must be aware of the kinds of rules we make in the classroom. That life has to have clear rules, understood by all beforehand, and fair to all involved.

FOLLOW UP: Discuss the general need for rules, in homes, classroom, school and society.

THE TALE OF PETER RABBIT:

A LAW-RELATED TRAGEDY

Text by Beatrix Potter. Teacher's instructions by James G. Lengel

All of the themes of law: fairness, justice, punishment, transgression, rules: are present in the story of Peter Rabbit. A good way to make this book into a law-related lesson for young children is to read the text to them, show them the pictures, but stop every so often to have a discussion of the story's law-related concepts. Here are some questions that will help you lead those discussions:

THE TALE OF PETER RABBIT

ONCE upon a time there were four little Rabbits, and their names were - Flopsy, Mopsy, Cotton-tail, and Peter. They lived with their Mother in a sand-bank, underneath the root of a very big fir-tree.

NOW, my dears,' said old Mrs. Rabbit one morning, 'you may go into the fields or down the lane, but don't go into Mr. McGregor's garden: your Father had an accident there; he was put in a pie by Mrs. McGregor.'

- What kind of accident did Father have?

- Was it fair for Mr. McGregor to punish Father so harshly? What would have been a fairer punishment?

- What rule did Mrs. Rabbit make for her children?

- Did Mrs. Rabbit have the authority to make this rule? Why?

- What reasons did she have for making this rule? Is it a good rule? Why?

- Do you think the four children will obey? Why?

NOW run along, and don't get into mischief. I am going out.

THEN old Mrs. Rabbit took a basket and her umbrella, and went through the wood to the baker's. She bought a loaf of brown bread and five currant buns.

FLOPSY, Mopsy, and Cottontail, who were good little bunnies, went down the lane to gather blackberries.

BUT Peter, who was very naughty, ran straight away to Mr. McGregor's garden, and squeezed under the gate!

- What did each of the four little bunnies do?

- Was it fair for them to gather those blackberries? Who did the blackberries belong to?

- Which of them were following their mother's rule?

- What could some of Peter's reasons have been for not obeying the rule?

- What do you suppose will happen to Peter?

FIRST he ate some lettuces and some French beans; and then he ate some radishes;

AND then, feeling rather sick, he went to look for some parsley.

- Was it fair for Peter to eat the lettuce, beans, and radishes? Who did they belong to?

- Aside from feeling sick, how else do you suppose Peter feels? Why?

- What do you think will happen next?

BUT round the end of a cucumber frame, whom should he meet but Mr. McGregor!

MR. MCGREGOR was on his hands and knees planting out young cabbages, but he jumped up and ran after Peter, waving a rake and calling out, 'Stop thief!"

PETER was most dreadfully frightened; he rushed all over the garden, for he had forgotten the way back to the gate.

HE lost one of his shoes among the cabbages, and the other shoe amongst the potatoes.

AFTER losing them, he ran on four legs and went faster, so that I think he might have got away altogether if he had not unfortunately run into a gooseberry net, and got caught by the large buttons on his jacket. It was a blue jacket with brass buttons, quite new.

- What did Mr. McGregor think when he saw Peter?

- What did Peter think when he saw Mr. McGregor?

- What did Mr. McGregor intend to do if he caught Peter? Is that a fair thing to do? Why?

- What does the word, "thief" mean?

- What would be a fair punishment for Peter at this point?

PETER gave himself up for lost, and shed big tears; but his sobs were overheard by some friendly sparrows, who flew to him in great excitement, and implored him to exert himself.

MR. MCGREGOR came up with a sieve, which he intended to pop upon the top of Peter; but Peter wriggled out just in time, leaving his jacket behind him.

AND rushed into the toolshed, and jumped into a can. It would have been a beautiful thing to hide in, if it had not so much water in it.

MR. MCGREGOR was quite sure that Peter was somewhere in the tool-shed, perhaps hidden underneath a flower-pot. He began to turn them over carefully, looking under each.

PRESENTLY Peter sneezed -'Kertyschoo!' Mr. McGregor was after him in no time.

AND tried to put his foot upon Peter, who jumped out of a window, upsetting three plants. The window was too small for Mr. McGregor, and he was tired of running after Peter. He went back to his work.

- Why was Mr. McGregor so concerned about catching Peter?

- Does Mr. McGregor have a right to punish Peter?

- Should Peter have run and hid, as he did? What other things could he have done at this point?

PETER sat down to rest; he was out of breath and trembling with fright, and he had not the least idea which way to go. Also he was very damp with sitting in that can.

AFTER a time he began to wander about, going lippity-lippity- not very fast, and looking all around.

HE found a door in a wall; but it was locked, and there was no room for a fat little rabbit to squeeze underneath.

AN old mouse was running in and out over the stone doorstep, carrying peas and beans to her family in the wood. Peter asked her the way to the gate, but she had such a large pea in her mouth that she could not answer. She only shook her head at him. Peter began to cry.

THEN he tried to find his way straight across the garden, but he became more and more puzzled. Presently, he came to a pond where Mr. McGregor filled his watercans. A white cat was staring at some gold-fish, she sat very, very still, but now and then the tip of her tail twitched as if it were alive. Peter thought it best to go away without speaking to her; he had heard about cats from his cousin, little Benjamin Bunny.

HE went back towards the tool-shed, but suddenly, quite close to him, he heard the noise of a hoe-scr-r-ritch, scratch, scratch, scritch. Peter scuttered underneath the bushes. But presently, as nothing happened, he came out, and climbed upon a wheelbarrow and peeped over. The first thing he saw was Mr. McGregor hoeing onions. His back was turned towards Peter, and beyond him was the gate!

- How did Peter feel at this point? Has he been punished for his wrongdoing? How so?

- What could Peter do at this point? What would be the consequences of each possible option?

PETER got down very quietly off the wheelbarrow, and started running as fast as he could go, along a straight walk behind some black-currant bushes.

MR. MCGREGOR caught sight of him at the corner but Peter did not care. He slipped underneath the gate, and was safe at last in the wood outside the garden.

MR. MCGREGOR hung up the little jacket and the shoes for a scare-crow to frighten the blackbirds.

PETER never stopped running or looked behind him till he got home to the big fir-tree.

HE was so tired that he flopped down upon the nice soft sand on the floor of the rabbit-hole, and shut his eyes. His mother was busy cooking; she wondered what he had done with his clothes. It was the second little jacket and pair of shoes that Peter had lost in a fortnight.

- Did Mr. McGregor have a right to use Peter's clothes for his scarecrow?

- What did Mrs. Rabbit think when she saw Peter come home?

- What would be a proper punishment for Peter?

I AN sorry to say that Peter was not very well during the evening.

HIS mother put him to bed, and made some camomile tea; and she gave a dose of it to Peter!

'ONE table-spoonful to be taken at bed-time.'

BUT Flopsy, Mopsy, and Cotton-tail had bread and milk and blackberries, for supper.

THE END

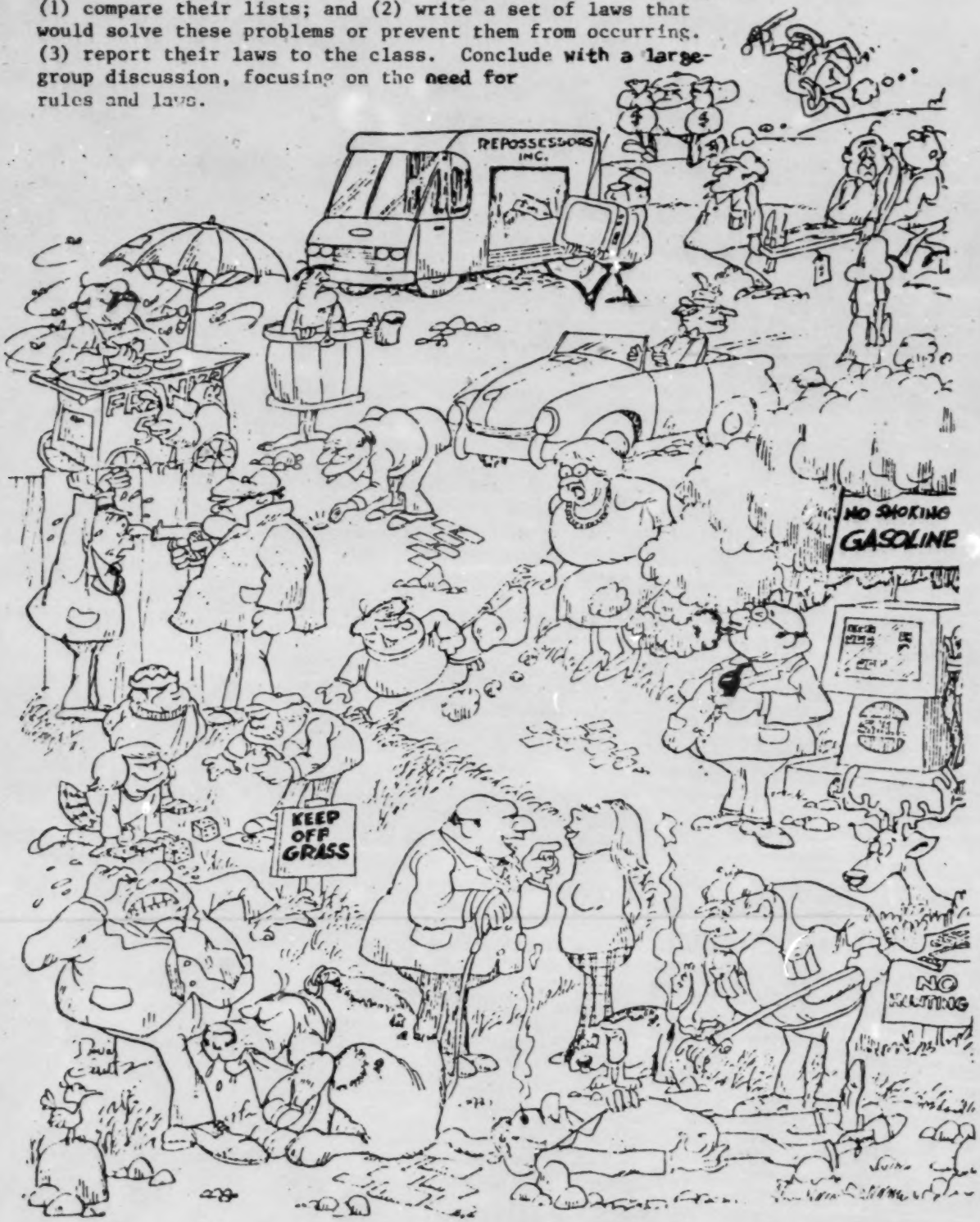
- Was it fair for Flopsy, Mopsy, and Cottontail to get milk and blackberries, while Peter got camomile?

- What was Peter Rabbit's punishment? Was it fair?

- What do you suppose Peter will do next time? Why?

Teacher Directions:

Show this cartoon to students by duplicating it or projecting it on a transparency. Instruct students to each make a list of the problems or things that are wrong in the cartoon. When they've completed their lists, put them in groups of 3 or 4, and instruct the groups to (1) compare their lists; and (2) write a set of laws that would solve these problems or prevent them from occurring. (3) report their laws to the class. Conclude with a large-group discussion, focusing on the need for rules and laws.



THERE OUGHTA BE A LAW!!!

RULES OF THE OLD WEST

Listed below are two sets of rules from the old west. They were drawn up for different purposes and are written in different forms. To teach this lesson, divide the class into groups of 3 or 4. Give each group both sets of rules. Have them answer these questions:

- Which of these rules is more fair than the others? Why?
- Which are less fair? Why?
- What was the purpose of the "Code of the West"? Why was it drawn up?
- What was the purpose of the "Rules of a Mining Company"? Why was it drawn up?
- How are these two sets of rules the same? How are they different?
- How do these rules compare with our laws today?

CODE OF THE WEST

1. Do not shoot a person in the back.
2. Do not shoot anyone without warning him first.
3. Do not shoot an unarmed person.
4. A buffalo hide belongs to the person who kills the animal.
5. A cow belongs to the person whose brand it bears. Cattle theft is a serious offense.
6. Stealing a man's horse is even worse. It is the most serious offense on the Great Plains. It leaves the man without transportation. The penalty for horse stealing is death.

RULES OF A MINING COMPANY

1. That we shall bear an equal share in all costs.
2. That no man shall be allowed to leave the company without general consent till we reach the mines.
3. That anyone leaving with our consent shall have whatever share of money or property he has contributed to the company.
4. That we work together in the mines and use our tools in common.
5. That each man shall keep all the gold he finds but must contribute an equal part of our daily expenses.
6. That we stand by each other.
7. That each man shall in turn cook - as well as do his share of the cleaning and other unpleasant jobs.
8. That anybody who steals shall be banished from tent and claim - with such other punishment as a majority of our company decide upon.
9. That no sick comrade be abandoned.

From *Law in a New Land*
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SAMPLE LESSON PLANS:

FREEDOM

- CAN YOU?
- FREEDOM OF SPEECH, JR.
- CASE STUDIES FOR GIFTED STUDENTS
- SNOWMOBILE FREEDOM

Distribute worksheets to students and have them check whether or not they can make each of the decisions for themselves. If the students make the decision stated, check "Yes." If not, check "No" and fill in the third column with who makes the decision.

1. How many of these decisions could you make?
2. How many of these decisions did your parents make?
3. How many of these decisions were made by people in authority over your parents.
4. Why couldn't you make all these decisions?
5. Why couldn't your parents make all these decisions?
6. Are there different levels of authority?

Can You?

CAN YOU DECIDE FOR YOURSELF:	YES	NO	IF NO, WHO DOES
1. TO GO TO SCHOOL?			
2. WHAT TRAFFIC LAWS TO OBEY?			
3. WHAT TELEVISION SHOWS TO WATCH?			
4. HOW MUCH TO SPEND ON CLOTHES?			
5. WHOM YOU HAVE AS FRIENDS?			
6. HOW MUCH HERSHEY BARS COST?			
7. WHO YOUR TEACHER IS GOING TO BE?			
8. WHAT LIBRARY BOOK TO CHECK OUT?			
9. WHAT GAMES TO PLAY AFTER SCHOOL?			
10. HOW TO WEAR YOUR HAIR?			

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FREEDOM OF SPEECH, JR.

For each of these situations, have students indicate whether they should be allowed to do them. Each item should be labeled as A: allowed, N: not allowed, or ?: Not sure.

After students have done this, have them assemble in groups of four to discuss their responses and to arrive at a group consensus for each item. Then discuss these group reports with the whole class. The discussion should conclude with questions like these:

- Can you come up with a general rule here - when should people be allowed freedom of speech? When should it not be allowed?
- Should adults have more freedom of speech than children? What if these people (in 1-8) were adults? Would that make any difference? Why?
- What if people were <u>not</u> allowed any freedom of speech? What would happen.

1. Jimmy, a real joker, stands up during math time in Mrs. Snorgweather's class and yells, "I smell smoke!" (He didn't really).
2. Mary thinks there is not enough peanut butter in the sandwiches at the lunchroom, so she makes a protest sign and puts it up in the cafeteria: "We want more peanut butter."
3. Johnny's parents tell him to go to bed at 8:15. Johnny turns the hands of the clock back when his parents aren't looking.
4. Susie walks up to her grandmother, takes a whiff, and announces, "Grandma, you smell funny."
5. Mr. Swartz' class wants to play softball instead of kickball at recess time. They ask Mr. Swartz if they can have a class meeting to decide.
6. Alan and his friends are playing jumprope and singing loudly outside of the library window.
7. Annie's teacher tells her to be quiet. Annie takes a big piece of tape and puts it over her mouth in mock protest.
8. Seven students in Mr. Nelson's class come to school wearing badges that say, "Save the Lake Champlain Monster."

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Helpful Hints for Working with Gifted Students

One:

This lesson was developed for sixth through eighth grade students.[1]

Two: In working with gifted students, keep these points in mind:

a. gifted students may have a tendency to monopolize or dominate the conversation.
b. They can be bored with routine presentations.
c. They often disagree more vocally than other students.
d. They are very impatient with themselves and very critical of themselves.
e. They can be extremely interested in vocabulary and participatory learning.

Three: Law-related education is an excellent learning tool to stimulate the gifted student. With the gifted, it is very important for students to be able to take apart a concept and see different sides of it. The case study method and mock trials are two ways that students can learn that there can be more than one right answer and that there may be several points of view.

Four: Planning and organization are crucial to an effective lesson with gifted students.

[1] A gifted student law-related program has existed in St. Louis Public Schools for several years. Additional assistance for this Guide has been provided by Sunny Pervil, Resource Teacher, Gifted Program, Parkway School System in St. Louis County. Law In A Free Society materials have also been used in gifted student settings.

Gifted Students: Case Studies

BACKGROUND

In education, there has been a recent movement to try to meet specific needs of the gifted students. Some of our future leaders will come from this group, and they need the stimulation and excitement that the resource person's visit can generate. The case study method can be used successfully with all sixth through eighth grade students, but it is particularly useful with gifted students because of the analytical and critical thinking skills involved. The two cases are from *Lawmaking*, Second Edition, Law in Action Series, West Publishing Company, 1980.

PRE-VISIT

Students need to have a clear understanding of the court system and how judges interpret the law. It is important that students understand vocabulary words, which are part of the court system (examples: interpret, precedent). Students also need to be aware of the first ten amendments to the U.S. Constitution, called the Bill of Rights.

RESOURCE PERSON'S VISIT

There are two sample case studies attached which you might choose to use. You can ask teachers to provide students with copies or you can use an overhead projector in the classroom. Ask students to read one case carefully. Have them tell you what the facts of the case are. Discuss with students the identification of facts. You might even write the facts on the board. Then have students identify the issue in this case. This kind of interchange should help them discover for themselves the issues of constitutionality. You could explain how a case comes to the U.S. Supreme Court and why it must include an issue of constitutionality.

Ask the students to pretend to be a Supreme Court Justice and to decide a case. As a Justice, each student must be able to give reasons for his or her decision. You may want to lead the discussion by taking a vote and then dividing the class into majority and minority opinions. This might help the resource person play "devil's advocate" in order to stretch the students' thinking.

FOLLOW-UP

Students could be given other cases; the teacher could then divide the class into groups to put into writing their majority and minority opinions. Their "briefs" could be presented to the class for discussion.

Reprinted with permission from Law In Action series, Second Edition, Courts and Trials, Copyright © 1975, 1980 West Publishing Co.

A young college student stood on a street corner and talked into a microphone to announce a meeting that night. He called the mayor of the city and the President of the United States "bums." He shouted that poor and minority people should rise up to fight for equal rights. The crowd, about eighty black and white people, became restless. There was pushing, shoving. At least one person threatened violence unless the police were called. The speaker was arrested by the police for causing a disturbance.

Would you allow this man to continue to speak?

Use the case study method in making your decision.

SHOULD PEOPLE BE ALLOWED TO SAY ANYTHING THEY WANT?

Note to teacher:

Issue:

What right should the law hold more important—the right of the man to exercise free speech (First Amendment) or the right of citizens to be protected from disorder or violence?

Ask students to reread the First Amendment.

Information:

This story is based on *Feiner v. New York*, 340 U.S. 315 (1951). The majority stated that Feiner should not be allowed to speak because the crowd's reaction to the speech created a "clear and present danger" of disorder.

Justice Black, who delivered a dissenting, opinion stated:

"The police of course have power to prevent breaches of the peace. But if, in the name of preserving order, they ever can interfere with a lawful public speaker, they must first make all reasonable efforts to protect him. . . . Their duty was to protect petitioner's right to talk, even to the extent of arresting the man who threatened to interfere. Instead they shirked that duty and acted only to suppress the right to speak."

Justice Douglas, also dissenting, stated: "Public assemblies and public speech occupy an important role in American life. One high function of the police is to protect these lawful gatherings so the speakers may exercise their constitutional rights."

From *Lawmaking*, Law In Action Series, Second Edition, West Publishing Company, 1980.

Some students planned to make known their opposition to the Vietnam War by wearing black armbands to school. The principals in one school district heard of this plan and adopted a policy forbidding the wearing of armbands. They also decided that any student who refused to remove an armband would be suspended until he/she did. The principals were concerned that the wearing of armbands would disrupt classes. They felt that schools were not places for demonstrations.

Should the Tinkers be allowed to wear black armbands to school? The Tinkers didn't say any words of protest. Do you think freedom of speech should apply to wearing armbands?

Use the case study method in making your decision.

Note to teacher:
Issue:
What right should the law hold more important—the right of the Tinkers to **express freely** their ideas or the right **of the school** to protect good order? **You** may want to ask students to reread the First Amendment.

Information:
In *Tinker v. Des Moines School District*, 393 U.S. 503 (1969) the Supreme Court ruled in favor of the Tinkers, since it was an orderly and symbolic expression of free speech. There was no indication that the Tinkers had interfered with the work of the school or the rights of others.

Justice Fortas said in the majority opinion:

"**It can hardly** be argued that either students or teachers shed their rights to freedom of speech or expression at the schoolhouse gate." Students

John Tinker, age 16, and his sister, Mary Beth, age 13, decided to wear black armbands to school to protest the Vietnam War. They knew about the policy forbidding this because the principal had told them about it. He also informed them they would be suspended if they came wearing armbands. When they appeared at school wearing armbands, the principal sent them home and said they could not return until they removed the armbands.

"may not be confined to the expression of those sentiments which are officially approved."

He also noted that, "conduct . . . which materially disrupts or causes a substantial disorder or invasion of the rights of others, is, of course, not immunized by the constitutional guarantees of freedom of speech."

Justice Black dissented saying that a person does not "carry with him . . . a constitutional right to go into . . . places contrary to their rules and speak his mind on any subject he pleases. . . . The record amply shows that public protest in the school classes against the Vietnam war 'distracted from that singleness of purpose which the State . . . desired to exist in its public educational institutions.' "

From LAWMAKING. Law in Action Series. Second Edition.
West Publishing Company, 1980

SNOWMOBILE FREEDOM

A Case Study

(for ideas about how to teach a case study, see page 9)

The Smith family owned a house near the center of Freezeville, a quiet town where several hundred people lived and worked. The Smith house was in a neighborhood where all the houses were on lots of two or three acres.

The Smith's enjoyed riding snowmobiles during the long winters in Freezeville, and so did most of the people in town. The Smiths and some of their friends decided to build a snowmobile course on the land behind the Smith house. They put hay bales and old tires in the turns, and set up a track that had many exciting hills and corners. After much work, they had a fine track for racing snowmobiles. Many people found out about it, and within a few weeks they were coming from all over town to ride and race snowmobiles on the Smith's property.

On Sunday afternoon, the police came to the Smith house just as the races were getting underway. The police said that Mr. & Mrs. Jones, who lived next door to the Smiths (and who did not ride snowmobiles), had made a formal complaint.

"They say you are making so much noise they can't enjoy their own house anymore", the police told Mr. Smith. "Mr. Jones has not been in very good health, and his doctor has told him to get two hours quiet rest every afternoon. Mrs. Jones tells us the noise and gasoline smell are bothering her, and that the traffic going back and forth on weekends is a nuisance."

"Well, just a darn minute here," said Mr. Smith, "I own this property, and I should be able to do what I want with it. All we're doing is having a few friends over for a little fun on weekends. Since when can I be told what to do on my own property?"

1. Write or act out an ending to this case.

2. Role play a discussion between the Smiths, the police, and the Jones.

3. Should the Smiths be allowed to do anything they want with their property? Should the Jones be able to stop the Smiths from riding snowmobiles on their property?

SAMPLE LESSONS:

AUTHORITY

- THE CAT IN THE HAT
- REACTION TOWARD AUTHORITY
- LET'S THROW SOME LIGHT ON THE SUBJECT
- NO VEHICLES IN THE PARK

THE CAT IN THE HAT:

A QUESTION OF AUTHORITY

The Cat in the Hat by Dr. Seuss, published by Random House, raises many questions and provides several examples of the concept of Authority. Here are some law-related questions that can be asked at various points in the story.

After page 8, where the cat appears:

- Who is usually the authority in this house: who usually makes the rules and decides what's right and wrong?
- Does the cat have the mother's permission to make rules for the children? Why?
- What could the children do at this point?

After page 25, when the cat has made the first mess:

- Does the fish have the right to make rules here? Then who does?
- Who should the children listen to, the fish or the cat? Why?
- Was it fair for the cat to treat the fish as he did? Why?
- Do the children have any responsibility at this point? What should they do?

After page 39, when the two things begin to fly kites:

- Why is the fish so worried?
- What do you suppose are the cat's reasons for thinking he has the authority to make rules and give permission?
- If the mother came home at this point, what would she think?

After page 45, when the boy first begins to protest:

- Why did it take so long for the boy to protest what was going on?
- Who does the boy see as the authority? Why doesn't he see himself as the authority?

After page 48, when they see mother approaching:

- What is the fish's and the children's feeling toward authority at this point? (fear, guilt, etc.)
- Of the four characters (girl, boy, fish, cat) who is acting as the authority on pages 47 and 48? Is this a right thing to do?

After page 54, when the cat has been sent away:

- What does the boy see as his responsibility here? Why does he think he should do that?
- On page 52, who is speaking as the authority? Does he have the right to do so?

After page 58, when the cat has picked up the mess:

- Why did the cat help out? What were his reasons?
- Would the cat have helped if the children hadn't told him to leave? Why?

After page 61, end of story:

- How do the children feel, now that the legitimate authority has returned? Why?
- Does the mother have a right to know what went on? Why?
- Should the children tell what went on? Why?
- What would happen if they <u>did</u> tell?
- What would happen if they didn't tell?
- Is it important to have clear authority? Why?
- What should you do if it is not clear who is in charge?

Reaction Toward Authority

READ THE PHRASES IN THE CHART BELOW. IN COLUMN I, WRITE THE NAME OF THE AUTHORITY FIGURE INVOLVED. CHECK COLUMNS II OR III IF YOU AGREE WITH THE STATEMENTS AT THE TOP OF THESE COLUMNS. IN COLUMN IV, WRITE HOW YOU SHOW YOUR RESENTMENT IF YOU DO SHOW IT.

Statements I resent:	I Who is the authority figure?	II I agree and obey the decision without a fuss.	III I don't like the decision but obey.	IV I don't like the decision and show it by:
1. being told by parents you're too young to see a certain movie				
2. having a babysitter when you know you're old enough to take care of yourself				
3. parents telling you it's time to get a haircut				
4. having to do homework before playing outside				
5. being told by a store manager not to come back in his store ever again				
6. being stopped by a police officer for crossing in the middle of the block				
7. being told to go home because you were playing on private property				

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Purpose: *To communicate reasons for one's ideas and feelings to others in a group context.*

DISCUSS:
1. Have you ever disliked having someone in authority over you?
2. What was the situation?
3. Why did you dislike it?

Distribute the worksheet. Have students examine their attitudes and express their personal reaction toward each situation. When completed, discuss answers.

Purpose: Demonstrate an understanding of the role of legitimate authority in making and applying laws.

Provide students with the attached worksheet. Have them filled out idividually, then put students in small groups to discuss their responses. Then, in a large group discussion, try to establish the need for authority in each situation. Have the students begin to look at their attitudes towards authority figures and try to separate them from their attitudes towards whatever it is that is being enforced. e.g. (1) you can love your parents and not love the rules that they enforce for your welfare; (2) you may not like some rules and laws but you don't have to dislike the policeman who has to enforce them.

LET'S THROW SOME LIGHT ON THE SUBJECT

SITUATIONS / QUESTIONS	YOUR PARENTS TELL YOU THAT YOU HAVE TO MOW THE LAWN ONCE A WEEK IN ORDER TO GET YOUR ALLOWANCE.	A POLICEMAN MAKES YOU STOP FISHING BECAUSE YOU DO NOT HAVE A FISHING LICENSE.	THERE IS A RULE IN YOUR CLUB THAT SAYS YOU HAVE TO SPEND ONE AFTERNOON A WEEK CLEANING THE CLUBHOUSE.
DO YOU SEE A NEED FOR AUTHORITY IN THIS SITUATION? WHY? WHY NOT?			
DO YOU LIKE THE PERSON(S) IN AUTHORITY? WHAT IS YOUR ATTITUDE TOWARDS THEM?			
WHAT IS YOUR ATTITUDE TOWARDS THE RULE OR LAW THEY ARE ENFORCING?			

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NO VEHICLES IN THE PARK

Purpose: Demonstrate a knowledge of and need for criteria for evaluating rules/laws, (e.g., compatible with society's values, enforceable, specific, clearly stated, etc.)

Many of the fules and regulations we have today developed because of the high value society places on individual safety. The following simulation is concerned with a law that evolved because people wanted to be safe in a specific environment. The prupose of the activity is to have students participate in the adjudication of several cases that are alleged to be in violation of this law. Every student is placed in the position of a judge, being asked to rule upon whether the statute has, in fact, been violated in the particular case. In interpreting the law, they must keep in mind the letter as well as the spirit of the law.

1. The teacher should begin by handing out the following material to each student for them to read:

   The town of Beautifica has established a lovely park in the city. The city council wished to preserve some elements of nature, undisturbed by city, noise, traffic pollution, and crowding. It is a place where citizens can go and find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted: NO VEHICLES IN THE PARK.

2. Announce to the class that each person in the room is a judge. Different judges will be called upon to make a determination based on the facts presented in a particular one of the cases (A through H) as to whether a violation of the ordinance occurred and a fine (minimum $5.00 to maximum $50.00) should be charged against the individual(s) involved. (In order to emphasize their roles, address each student as "Judge Jones, Judge Parker, etc")

3. By the time the teacher has gone through several of the cases with "judges" rendering their opinions, the class should be asking questions what the law means and how the term "vehicle" is defined. (If not, the teacher can add even more examples like a child's wagon, roller skates, and so on.)

4. After going through the cases, conduct a "debriefing" discussion based upon the following:

   - Why would a community want a law about vehicles in the park. (What is the purpose of a park? How does this statute protext that?)
   - If the students were placed in the roles of town council persons rather than municipal judges, would they want to change the wording of the law in any manner? If so, how would it read?

NO VEHICLES IN THE PARK

The law seems clear but some disputes have arisen over the interpretation of the law. Interpret the law in the attached cases keeping in mind the letter of the law as well as the intent of the law.

A. John Smith lives on one side of the town and works on the other side. He will save 10 minutes if he drives through the park.

B. There are many trash barrels in the park so that people may deposit all litter there, thereby keeping the park clean. The sanitation department wants to go in to collect the trash.

C. Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect car and trap him between the patrol cars.

D. An ambulance has a dying car accident victim in it and is racing to the hospital. The shortest route is through the park.

E. Some of the children who visit the park want to ride their bicycles there.

F. Mrs. Thomas wants to take her baby to the park in his baby buggy.

G. A monument to the town's citizens who died in the Vietnam War is being constructed. A tank, donated by the government, is to be placed beside the monument.

H. Several of the town's citizens have made a living for several years by driving people around scenic spots in the city in an old-fashioned horse and buggy. They want to drive people through the park.

SAMPLE LESSONS:

FAIRNESS

- JACK AND THE BEANSTALK: A TRIAL
- SO WHO'S A CHILD?
- BILLY'S RESPONSIBILITY
- WHAT IS FAIR COURT PROCEDURE?

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JACK AND THE BEANSTALK: A TRIAL

There are several legal issues inherent in the story of Jack and the Beanstalk. A special law-related version of the story has been published (Jack and the Beanstalk by Joanne Greenberg, West Publishing Co, St. Paul, Minn.) that makes these issues come clear.

In most versions of the story, the giant is killed when Jack cuts the beanstalk down. Tell the children a different ending, where the giant stays up in his kingdom and is not killed. Then tell them to think about what would happen if the giant complained to the police about Jack, and Jack was brought to trial. The giant has accused Jack of stealing his riches.

Explain to the class that they will act out this trial as it might have occurred. Assign students, to each of the following roles:

Jack (defendant
Giant (complainant)
Prosecutor (can be a team of 2)
Jack's Lawyer (can be a team of 2)
Judge
Jury (6 or 12)

Witnesses:
Jack's mother
Giant's wife
Bailiff
Court Clerk

Give students enough time to prepare for their roles. The prosecution should meet with the giant, and make up a list of questions to ask witnesses. They should be instructed to try to prove that Jack did, in fact, steal the goods. The defense should meet with Jack and his mother, and come up with a list of questions to ask witnesses. They should try to get the jury to understand Jack's side of the story.

Judges, witnesses, bailiffs, and jury should meet with the teacher to discuss their responsibilities and to prepare the classroom for the trial.

The Mock Trial instructions on page may be used to guide the actual conduct of the trial. Don't forget to debrief the trial using the questions on page .

SO WHO'S A CHILD?

Purpose: Demonstrate an awareness of how acceptable behavior may differ (ethnically, morally and legally) in various groups.

Ask for three volunteers to role play the two girls and a theater owner. Provide them with the following situation and give them time to rehearse before presenting it to the class.

> *Anne just had her 12th birthday. She received $2 from her father. He told her that the money was for Anne and her best friend, Mary, to go to the movie.*
>
> *When the girls arrived at the theater, they noticed that the sign read:*
> *$1 for adults (12 years and over)*
> *$.50 for children*
>
> *Even though both girls were 12 years old, Mary suggested that they buy children's tickets, so that they would each have $.50 for popcorn and a soda. Anne did not agree because she placed a high value on honesty and did not want to tell a lie.*

After the role playing, ask the class to discuss the following:

1. Does it make a difference whether the theater owner received the money for admission or food? (Have the student who plays the theater owner answer the questions)
2. What difference would it make to the owner if fifty other 12 year-olds did the same thing?
3. How would other 12 year-olds feel if they had paid adult admission?
4. How would Anne's father feel about her decision?
5. Can you think of any situations when you were faced with similar decisions?

Adapted: The Role of Law in a Free Society and the Rights and Responsibilities of Citizenship (Jefferson City. The Missouri Bar (A.C.C.E.) and the Missouri Department of Education, 1976)

BILLY'S RESPONSIBILITY

Purpose: To show the importance of meeting responsibilities

Read "Billy's Responsibility" to your class.

The playground at Fairview Elementary School was very small. Every lunch hour there was a problem. Softball and kickball were the two favorite noon games, but there just wasn't enough room to play both. A softball was always flying into the kickball court, or a kickball was hitting someone on the head on the softball field. At last Mr. Wonkel, the principal, decided something had to be done. He sent a notice to each classroom asking that each class choose a representative to come to his office to discuss the matter.

Billy was excited when the fourth grade chose him to be their representative. He hurried to Mr. Wonkel's office. He didn't want to be late.

For almost half an hour the representatives of all the classes discussed what should be done. At last the representatives voted to allow only one field game during the lunch hour. The students would have to decide whether they wanted to use the playground for softball or kickball. It was agreed that each of the representatives would discuss the matter with their own classes and that each class would vote on which game it preferred. The representatives of each class would them come back to the principal's office to cast the vote for their class.

When Billy returned to his classroom, he presented the matter to the students. The class was almost unanimous in their vote -- kickball was the choice. Billy was asked to cast a vote in favor of kickball on behalf of his class.

The next day during recess, David, the representative for the fifth grade spoke with Billy "What's your vote going to be Billy."

"Kickball," replied Billy.

"Oh come on" David said, "that dumb sissy game? Listen, I've just spoken to all of the other class representatives and without your vote there's going to be a tie. Why don't you vote for softball? If you do, anybody from your class can play on our team."

"No, David, I really couldn't do that," said Billy. "It wouldn't be fair to the class."

"Oh, come on Billy, they'd be glad. They'd really like softball if they knew how to play better, and we'd teach them."

Billy thought about what David had said.

That afternoon at the meeting in the principal's office Billy was nervous when it came time for the vote.

"All right boys and girls, this is it," said Mr. Wonkel, "What's it going to be -- softball or kickball?"

One by one, Mr. Wonkel called for the votes of the representatives. Billy was the last to cast his vote, "All right Billy," said Mr. Wonkel, "It's a tie to this

point, four classes in favor of kickball, four classes in favor of softball. Your vote will decide the question."

Billy felt nervous. He looked at David and then down at the floor. "Softball," said Billy.

"What was that, Billy?" asked Mr. Wonkel. "I'm afraid you'll have to speak up, I can't hear you."

"I said softball," said Billy, in a voice that was a little too loud.

DISCUSS

1. Why do you think the members of Billy's class chose him to be their representative?
   - They trusted him
   - They thought he was responsible
   - He was popular

2. What were Billy's responsibilities as class representative?
   - attend meetings
   - give reports to class
   - vote as class had instructed

3. Do you think that Billy had an obligation to vote for his class choice of kickball? Can you explain?
   - Yes, By agreeing to serve as class representative, he was also agreeing to vote as the class had instructed him.

4. Which of these responsiblities do you think he carried out? Were there responsibilities that he did not carry out? Can you explain?
   - He attended meetings and made reports to the class, but did not vote as instructed.

5. Why did Billy change the vote? Should he have been influenced by anyone other than his classmates?
   - He wanted to play softball
   - He was influenced by David

6. How do you think the class will feel when they find out?
   - angry
   - They may not trust him again.

7. Do you think Billy should be held responsible for his actions in this situation? How should he be held responsible.
   (Allow the class to decide what would happen to Billy if this were your classroom)

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WHAT IS FAIR COURT PROCEDURE?

LESSON 5

Objective: **Students will compare court procedures at different times in history and recognize the development of court procedures throughout history**

Students will be able to identify basic elements of fair treatment people should expect in court.

PROCEDURE

is a series of steps or rules to be followed.

Throughout history, different types of court procedures have been used to settle conflicts that arise between people. Ideas about what are fair ways or fair procedures to use to handle conflicts have changed with the times and are still changing. Below is a criminal case about a man who broke the law by killing two people. Read how courts at different times in history handled this case. After reading how each court handled the case, decide what was fair and what was unfair about each court procedure from your own point of view. Be able to explain the reasons for your decision.

THE CASE

A man and a woman were married. The married woman fell in love with another man and ran away from her husband. The husband chased the couple and killed both of them.

Note to teacher: This lesson asks students to decide what was fair or unfair in trials in cultures and historical periods different from their own. For the purpose of the lesson, we feel students should be encouraged to base their decisions on their point of view now rather than basing a decision on what they might have decided if they were living at the time these trials took place.

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1. A TRIBE'S COURT—1000 B.C.

Ola, the oldest man in the tribe, was the judge. A tribesman brought Mo to him saying that Mo had killed two people. The judge had known Mo since he was a baby and he decided that Mo should not be punished for what he had done.

From your point of view:

Was there anything fair about this court trial?

Was there anything unfair about this court trial?

2. AN ANCIENT COURT—1 B.C.

Quintus Tiber was appointed governor and judge of Judea by the Emperor in Rome. A villager in Judea named Mo was brought before Tiber and charged with the murder of two people. Tiber asked Mo to tell his side of the story. Tiber also heard the stories of many witnesses. Tiber didn't know very much about Mo or the customs of the people in this land but he didn't want them to give him any more trouble. He sentenced Mo to work on a slave ship until he died.

From your point of view:

Was there anything fair about this court trial?

Was there anything unfair about this court trial?

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3. A COURT IN ENGLAND IN THE MIDDLE AGES—1150 A.D.

A clergyman trained in law acted as judge in a certain town in England. A man named Mo was brought before him by the townspeople. They said that Mo had killed two people. The judge told Mo that God would decide his guilt or innocence. He said, "Mo, grab this red hot iron in your hand and hold it. Then your hand will be wrapped in cloth. After three days, the cloth will be removed. If your hand shows no sign of the scars of the burn, it will be a sign from God that you are innocent. If your hand shows signs of the burn, you will be found guilty and hanged by the neck until you die."

From your point of view:

Was there anything fair about this court trial?

Was there anything unfair about this court trial?

4. A MODERN COURT, 1950

Judge Clark had been appointed by the governor to be a judge in _____ Mo had been
(your state)
arrested by the police because they suspected him of killing two people. Mo was too poor to pay for a lawyer. The court appointed a lawyer for him. A jury of twelve people listened to the state prosecuting attorney present the case against Mo. Then they listened to Mo and his lawyer tell his side of the story. The court reporter was sick that day, so no record of what the witnesses said was kept. The jury decided that Mo had killed two people in a rage of anger. The judge took into consideration that Mo was in a rage of anger when he killed the two people. The judge gave Mo a prison sentence and said he could get out early for good behavior in prison.

From your point of view:

Was there anything fair about this court trial?

Was there anything unfair about this court trial?

EXTRA!

At different times in history, people used different ways to resolve conflicts. Research some societies and periods in history to find out the methods people used to settle disputes. The librarian or your teacher could direct you to books on:

Ancient Egypt
Ancient Greece
Ancient Rome
Tribes in Africa
American Indians
Colonial America
Middle Ages in France

When reading these books, look for a specific society or period of history that interests you. Find information about government, laws, courts, or the legal system in that society.

Once you have found some information about how disputes were settled, you could draw pictures showing these procedures in a booklet. Or you could make up scenes and give mini-plays showing the methods used.

Note to teacher: Teachers have asked us to include some extra credit activities for students who are particularly interested in law-related education. Other teachers wanted to have some individualized research projects. We hope EXTRA EXTRA fulfills these needs.

SAMPLE LESSONS:

CONFLICT

- CONFLICT CAPERS
- MINI MOCK TRIAL
- ACT IT OUT
- LET'S NOT FIGHT (4 CASE STUDIES)
- YOU BET THE JUDGE

CONFLICT CAPERS

Purpose: *Demonstrate a knowledge of various methods of settling disagreements*

Divide your class into small groups. Give each group one of the situations below. Have the group decide what characters are needed and how they should role play the situation. Tell them they are to seek the best ways to solve the problem.

1. A group of students is jumping rope. Another student wishes to play too but is told that there are already too many playing.
   - What might the student do since he/she cannot play?
   - What should the student do?

2. You are playing in the park with a bat and ball. Two older students come up and want to take these away from you.
   - What is the best way to solve this problem?

   NOTE: If children are assaulted by older or more numerous children, the advisable course is: 1. to cooperate, 2. to give up what is demanded and 3. report the incident. This is the advice given by the police to people of all ages and conditions.

3. You and your friend are walking home from school. Your friend wants to stop and throw rocks at the windows of an empty house. You do not wish to but your friend calls you "chicken".
   - What should you do?
   - What is this called? (vandalism)
   - What are some different ways to solve this problem?

4. Two boys are playing with a puzzle. Each claims it as his own.
   - Who should help settle this problem?
   - What are some ways that you could solve this problem if you were one of the children?

5. There is only one doll. Both Jill and Betty want to play with it.
   - How might Jill and Betty work this out?

6. Your mother gave you money to buy ice cream after school. You left it on your desk.
   - What might happen when you go to buy the ice cream?

7. Your sister wore your last clean pair of socks.
   - What are you going to do?
   - What could you have done to have prevented this from happening?

8. You worked very hard on your seatwork. Somebody drew a red line across it with a crayon.
   - How do you feel?
   - What are you going to do?

9. Chris is painting at the easel. When she finishes, there is no yellow paint. Later it is Nadine's turn and she finds no paint for her sun.
   - What are some of the things that might happen?
   - What should Chris have done when she finished?

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MINI MOCK TRIAL

Purpose: *Student will demonstrate an understanding of due process.*

Key Question: Who are the judge, plaintiff, and defendant of a case?

Judge -- a person appointed or elected to hear and decide questions of law in court cases, and to make certain that fair procedures are used.

Defendant — a person against whom a legal action is brought.

Plaintiff — the person or party who files a complaint and brings a legal action against another person or party.

After the class understands the role of the three mentioned people, go to the mini mock trial in groups of three.

Mini Mock Trial: Using Classroom Incidents

This warm-up activity requires only three roles: the Judge, the Plaintiff, and the Defendant. In a small claims court for civil cases, where the two disputing parties can "speak for themselves," courtroom procedure and complicated rules of evidence are kept at a minimum. In any mock trial, students discover that the main purpose of a trial is to weigh the facts to find the truth — not to follow rigidly the technical rules of procedure.

Your students can role-play a small claims court with only three roles. This activity has the advantage of allowing full participation by the class since you can organize your students in groups of three. Classroom incidents, such as the following, can provide the case material for the Mini Mock Trial.

Alice and Jane live in the same apartment building, and they go to the same school. They even sit beside each other in class, but that's all they have in common. They never speak to each other or walk to school together.

One day, just before a test, Alice asked Jane if she could borrow a pencil. As usual, Jane had lots of pencils, but she refused to share them with anyone. Alice got angry and took a pencil. This made Jane angry so she grabbed Alice's only notebook and ripped it. Alice then broke the pencil into little pieces.

What are the facts and what was the sequence of events?

Facts of the Incident

* Alice took Jane's pencil.
* Jane ripped Alice's notebook.
* Alice broke Jane's pencil.

What would you do?
What would be fair to Alice or to Jane?

Have your students sit in groups of three to simulate a small claims court. In this case, Jane would be the plaintiff. The student who plays this role is bringing a complaint against Alice, who took her pencil and subsequently destroyed it. A second student should play the role of Alice, the defendant. The third student will make a decision, after listening to the arguments presented by the two sides. In small claims court, this person is the judge. The judge must listen to both sides of the story and make a decision that is fair.

Once your class is familiar with the roles of the judge, the plaintiff and the defendant, you will be able to add two additional roles, the attorneys. Students sometimes have difficulty in seeing the need for an attorney.

Fairy Tales From a Legal Point of View

In addition to real classroom situations, a teacher can use children's literature to present mock trials. Take, for example, the following case: Papa Bear v. Goldilocks. All children are familiar with what happens in the story of Goldilocks and The Three Bears. The mock trial can be used to bring out the facts of the case. The attorneys for Goldilocks and for Papa Bear should prepare questions to bring out both sides. Presented as a civil case, Papa Bear would be bringing action against Goldilocks for damages. The damages would be the broken chair and the porridge that Goldilocks ate. On the other hand, this could be a criminal case, if it could be proved that Goldilocks broke a law when she entered the cottage.

Conducting a Mock Trial

A full scale mock trial usually consists of three parts: Preparation, Presentation, and Evaluation. Several days before the simulation, roles should be assigned for the parts.

Where to Find Cases

Besides children's literature and real classroom incidents, the daily newspaper, your social studies book, or your own imagination can provide case material. Any mock trial provides numerous opportunities for analytical thinking and decision-making. The strategy probably is used best when it is keyed to the material you are already teaching. If your social studies class is studying United States History, there are numerous actual cases that could be modified and presented as mock trials.

From *Timely Topics Newsletter*
Written by Arlene F. Gallagher
Houghton Mifflin
1973

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MOCK TRIAL

Purpose: Student will demonstrate an understanding of due process

I. Handout the diagram of a courtroom. Ask if anyone knows what these people do that are pictured in the drawing. Using your teacher information sheet, explain what the job is of each person at a trial.

II. If any parent has been on a jury, use them as a resource person.

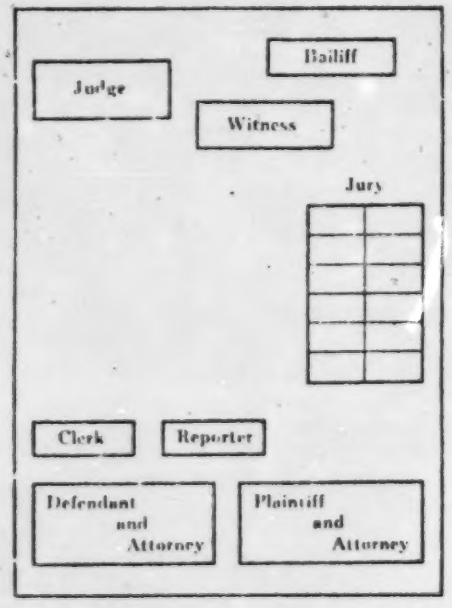
Having an attorney, law student or judge in at this time would add to the child's understanding of their role during a trial.

III. Using a case from the newspapers, or one contrived from an incident at school go through a mock trial. The procedure of a trial is explained on the following pages.

A trial is a meeting of a court to hear and decide a legal case. A mock trial is a pretend trial. In it, you and other students present the trial and act as the main people in the courtroom. The purpose of the mock trial is to help you learn more about courtroom procedure and the people who are a part of it. A mock trial follows the trial procedure of the lowest court.

A trial is held because two people or groups of people cannot solve a conflict. Therefore, any story about a conflict can be used for a mock trial. You may use one of the stories that you have seen in class. Or you might want to use an idea from a newspaper story or a television program.

If possible, you may want to move the furniture in your classroom so that it looks like a courtroom. Here is a drawing to show how to set up the room.



The trial procedure solves a conflict by presenting facts to an impartial judge and jury. Each side of the case, through its lawyers, argues as strongly as possible. The jury listens to all the facts, weighs the two arguments, and makes a fair decision or verdict.

The Characters

Judge — The judge is the person who is in charge of the court. He or she makes sure that the trial is fair and orderly. The judge sees that both sides of the case have a fair chance to present their arguments. Then the judge tells the jury what the principles of law in the case are.

Jury — The people on the jury listen carefully to the statements of the witnesses. The jurors think about the facts a witness tells to see if they make sense and if they agree with what other witnesses say. Each juror also listens to the opening statements and closing arguments of the lawyers. At the end of the trial, the jury makes a decision for the case.

Prosecuting Attorney — This lawyer brings the plaintiff's case before the court. He or she tries to show enough evidence to persuade the jury that their verdict should be in favor of the plaintiff.

Defense Attorney — This lawyer brings the defendant's case before the court. He or she tries to show that there is not enough evidence to prove the defendant guilty. This may be done by persuading the jury that the witnesses for the plaintiff were not dependable. The defense attorney may also try to show that the evidence was not based on fact or that the witnesses contradicted each other.

Witnesses — Each witness explains to the court what he or she believes to be the facts in the case. In a mock trial, the witnesses should report the information from the story.

Clerk of the Court — The clerk opens the trial and swears in the jury. In a mock trial, the clerk may also help the teacher make copies of the story and set up the classroom.

Court Reporter — The reporter takes notes to record the main points of the trial. This record can be used to find out what was said earlier in the trial. It can also be used for talking about what happened after the trial is over.

Bailiff — The bailiff keeps order in the court and is in charge of the defendant. He or she sees that the jurors are not interrupted while they are deciding the verdict. The bailiff may also deliver any written messages during the trial.

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Getting Ready

Choose one student to play each of the following parts in the mock trial: judge, plaintiff, defendant, prosecuting attorney, defense attorney, clerk of the court, court reporter, and bailiff. Choose six students to serve on the jury. An equal number of students should also be chosen to be witnesses for the plaintiff and for the defendant.

If you are using a story from a newspaper or a television show, the teacher and the clerk of the court should make copies of it for each of the main characters. The students will use the copies to prepare their arguments. It is best if the jury does not read the story before the trial. The facts should be presented to the jury through the questioning of the witnesses by the attorneys.

THE TRIAL

Use the following **order of events** to present the mock trial.

Opening of the Court — The clerk of the court opens the court by saying that the court procedure is beginning. He or she also introduces the judge, the plaintiff and the defendant.

Swearing in the Jury — The clerk of the court asks the jurors to take their seats. He or she then asks them to swear that they will act fairly in listening to the case.

Opening Statement by Prosecuting Attorney — This lawyer begins by telling the jury the important information about the case. This includes his or her name, the plaintiff's name, the defense attorney's name, the defendant's name, and the facts that led to the lawsuit. The prosecuting attorney then presents the plaintiff's side of the case to the jury.

Opening Statement by Defense Attorney — This lawyer begins by stating his or her name and the defendant's name. The jury is told that he or she will try to prove that the plaintiff does not have a valid case. The defense attorney then presents the defendant's side of the case to the jury.

Direct Examination of Witnesses — The prosecuting attorney calls the witnesses for the plaintiff one at a time to the front of the room. The clerk of the court asks each witness to swear to tell the truth. The attorney then asks questions of the witness. The questions are based on the facts the witness has to offer. After the plaintiff's witnesses have been questioned by both lawyers, the defense attorney calls the witnesses for the defendant.

Cross-examination of Witnesses — During cross-examination, an attorney tries to get the other side's witness to admit something that will help his or her client. The attorney may also try to show that a witness is not dependable.

Closing Arguments — Each attorney sums up the main points that help his or her client's case. The defense attorney is the first to present the main points.

Judge's Orders to the Jury — The judge explains to the jury what the principles of law are in this case. He or she asks the jury to make a fair decision about the case.

Verdict — The jury talks about and makes a decision for the case. In a real trial, the jury leaves the courtroom to reach a verdict. For a mock trial, the jury should talk about the case and come to a decision in front of the rest of the class. A majority vote of the jurors will decide the verdict.

AFTER THE TRIAL

When the jury has reached a verdict, the mock trial is over. It is important then for the whole class to talk about the trial and its results. Use questions like the following as a guide.

- Did each person play his or her part in the right way?
- What law or laws were broken?
- What was the main conflict?
- What arguments did the defence present?
- What arguments did the prosecution present?
- What facts were not presented?
- What was the decision? Do you agree or disagree with it?
- Are there grounds for an appeal to a higher court?

ACT IT OUT

Purpose: Demonstrate an understanding of acceptable behavior; identify some reasons why people engage in unacceptable/criminal behavior; determine those behaviors which may be caused by, or related to, social, economic and psychological factors; and demonstrate responsible action and adherence to school rules through daily action.

Put the following situations on individual cards. Distribute cards to small groups of students to role play for the rest of the class. Discuss the solutions decided upon by each group and perhaps think of alternatives. Discuss also what prompts such actions.

1. You are riding the bus and someone tried to push you out of your seat. Act out what you would do and say. (2 or 3 students)

2. You are playing a game with a classmate and he pushes you down. He says you pushed him first. What would you do? Act it out (2 students)

3. All the cookies are missing from the cabinet. Your Mom thinks you took them. Act out the conversation. (2 students)

4. Someone makes a loud noise. Your teacher accuses you. What will you do? Act out this situation. (3 or more)

5. Your class is making lots of noise before it's time to go out to recess. You are sitting there quietly, ready to go. Act out a way you would help the rest of the class to get quiet. (large group)

6. Several students are having to wait their turn in P.E. Show how they might help to get their turn faster. (5 students)

7. Some of the students have not had their turn on the swings. Time has run out for this recess time. Show how some of the children might act. Show how you would act to be fair about this. (5 students)

8. You and your best friend are playing. Your friend hurts your feelings. What would you do? Act this situation out to show the best way to solve the problem. (2 students)

9. Play a situation in which you get blamed for something that you did not do. Act out the way in which you solve this problem. (3 or more students)

10. Someone threatened you in the bathroom. What would you do? Show what you should do to prevent this happening again. (3 or more students)

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LET'S NOT FIGHT: CASE STUDIES

Divide your class into four groups. Give each group a copy of one of the case studies. Have them read and follow directions at the beginning of the case study. Provide each group with the necessary materials for drawing. When all groups have finished the assignment, allow each group to explain their case study and show and explain their drawings and to discuss the follow-up questions.

You may wish to use these case studies as open-ended stories for creative writing.

CASE STUDY I

Directions:
(1) Read the Case Study
(2) Decide as a group what kinds of pictures would tell the story. One picture should show a way to solve the problem.
(3) Decide who will draw each picture. When all pictures have been finished, put them together like a comic strip.
(4) Be ready to tell the class about your story, the way you solved the problem and to discuss the follow-up questions.

Susie was in the fourth grade at Bellmeade School. Her brother, Andy was in kindergarten at the same school.

Susie had been instructed by her parents to see that Andy was cared for on the bus to and from school. At the end of the first day of school Susie's class got on the bus first. Susie sat down near the front and left room for Andy to sit beside her when his class came to the bus.

Before Andy's class got on the bus, Lois, a fifth grader, sat down beside Susie in the place being held for Andy. Susie said, "You can't sit here, I'm saving this seat for my little brother." Lois retorted, "I can sit anywhere I want to and you can't do anything about it. Don't you know the principal told us today we're not supposed to save seats for others?" Susie explained that she was doing what her parents had asked her to do and shoved Lois into the aisle. Lois got up and hit Susie and the two girls got into a big fight.

The bus driver finally got Susie and Lois separated and took them to Mr. Slayton, the principal.

1) If you were Mr. Slayton, how would you solve this problem?
2) Who was to blame for the fight?
3) Should either of the girls be punished? If yes, what punishment would you give?
4) How might this entire episode have been avoided?

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CASE STUDY II

Directions:
(1) Read the Case Study
(2) Decide as a group what kinds of pictures would tell the story. One picture should show a way to solve the problem.
(3) Decide who will draw each picture. When all pictures have been finished, put them together like a comic strip.
(4) Be ready to tell the class about your story, the way you solved the problem and to discuss the follow-up questions.

Mrs. Bingham was on bus duty on a rainy Friday morning. As bus #10 pulled into the driveway she notices some kind of commotion on the bus. As the bus stopped she could see James and Robert really arguing and shouting at each other.

Mr. Sims, the bus driver, brought James and Robert out of the bus. He explained that he had stopped the bus earlier and stopped the boys from fighting but as soon as he started the bus the boys started shouting and arguing again.

Since both boys were in Mrs. Bingham's class, she remembered that the two boys had not gotten along very well recently. She had tried to find out what the trouble was between the two. They had told her there was no problem.

Mrs. Bingham got another teacher to take her duty and she took James and Robert into the classroom. After considerable prodding Robert finally said that the week before James had said ugly things about Robert's mother. Ever since that time, James and Robert had argued and called each other ugly names and it finally ended in a fight on the school bus.

1) If you were Mrs. Bingham, how would you solve the problem?
2) Should either of the boys be punished? If so, how?
3) How could this episode have caused harm to others? (bus wreck; others could have been hurt during the fight, etc)
4) How could the whole episode have been avoided.

CASE STUDY III

Directions:
(1) Read the Case Study.
(2) Decide as a group what kinds of pictures would tell the story. One picture should show a way to solve the problem.
(3) Decide who will draw each picture. When all pictures have been finished, put them together like a comic strip.
(4) Be ready to tell the class about your story, the way you solved the problem and to discuss the follow-up questions.

James and Marie were brother and sister. They were from a happy family, but there were times when James and Marie would "irk" one another. They would fuss and sometimes even physically fight with one another. Marie would borrow James' records without asking his permission. She and a friend were listening and dancing to one of James' records when they accidentally knocked into the record player. The needle slid across the record and put a huge

scratch in it. The girls hoped James would never notice. That evening James went to play his record, and the record had a terrible "skip" in it. "There was nothing wrong with this record the last time I played it; I bet Marie and her friends did this. I'll show her" said James. James went out into the yard where Marie was playing with the dog and hit her hard on her back. Marie ran in the house crying.

1) What should Marie have done when she realized the record was damaged?
2) What better way could James have solved his problem?
3) Is fighting with your brother or sister a good way to solve problems?

CASE STUDY IV

Directions: (1) Read the Case Study.
(2) Decide as a group what kinds of pictures would tell the story. One picture should show a way to solve the problem.
(3) Decide who will draw each picture. When all pictures have been finished, put them together like a comic strip.
(4) Be ready to tell the class about your story, the way you solved the problem and to discuss the follow-up questions.

Billy's neighborhood basketball team was practicing in the schoolyard. Some older boys came along and demanded that the younger boys leave because they wanted to use the yard to practice. Billy decided to take up for his team and told the older boys. "It's too bad, but we were here first."

One of the older boys came up to Billy and said, "Look, you little punk, this is our yard! You better leave, or we'll make you leave." Billy just stood there and the next thing he knew he had been knocked down on the ground. When Billy's friends saw what had happened to him, they took their basketball and left.

1) If you had been Billy, what would you have done?
2) What should Billy's team have done immediately after being told to leave? (left and gone to report it to the adult in charge)
3) Why should they have left? (so no one would get hurt)
4) Could the older boys have found a solution to their problem?

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YOU BE THE JUDGE

Purpose: Demonstrate some dual responsibilities and rights of: citizen-citizen, business owner-customer, friend-friend.

Divide the class into three groups. Each group will act as a judge for the provided case study. Stress that each case is based on a real situation. The groups will list whose rights and whose responsibilities are involved. Then they will arrive at a verdict for their case. As a whole class, the cases will be discussed and their verdicts. The teacher can present the court's decisions and explanations.

The Gingerbread Man Case

Shepard was feeling wild. It was a holiday and he was in the market for watching a crowd of people buy food and play games in the open market hall. He took a firecracker out of his pocket, lighted it, and tossed it inside the building where it sizzled through the air and fell on a gingerbread stand owned by Yates. Willis, who was standing nearby, picked up the burning firecracker and threw it away. It landed on another gingerbread stand owned by Ryal who threw it out into the crowd where Scott was standing. The firecracker hit him in the eye and blew it out.

Could Scott make Willis, **Ryal, or** Shepard pay for his lost eye and his doctor bills?

Shephard had to pay all of Scott's bills and a lot of money to him because Scott would have only one eye to see with for the rest of his life. One judge thought that because the firecracker had stopped moving when it fell on Yate's booth, the damage it did once it was thrown on was no longer Shepard's fault.

But the rest of the judges decided that because Shepard had started the whole thing he should be responsible for whatever happened, since both Willis and Ryal were only trying to get rid of a dangerous lighted firecracker in a hurry. This was the natural thing to do under the circumstances and not something for which they should be held responsible.

Scott v. Shepard
2 Wm. Bl. 892, 96 Eng. Rep. 525 (1773)

(These words and letters and numbers are the legal name of The Gingerbread Man Case. You will see all the cases in this book identified like this below the judges' decisions. If you would like to read the actual decision, you will be able to find it in any law library. The librarian will help you use the legal name to look up the case.)

The Kick in The Shins Case

Putney and Vosburg were eleven-year-old boys **who sat** across from each other in school. Putney gave Vosburg a kick in the shins. The kick was so small that Vosburg didn't feel it, but there was already a wound in his leg; the kick disturbed it and a serious infection developed. Doctor bills were high. Could Vosburg collect from Putney?

When the case was brought to court, the jury voted that Putney should pay Vosburg $2500. The case was appealed to a higher court. Should the appeals judge have upheld his decision?

Putney lost his appeal. Even though he had no intention to hurt Vosburg badly, as shown by the fact that the kick was not even felt, Putney did intend the kick that touched the other boy. This is called a battery, an act that is against the law. The intent Putney had to kick Vosburg was enough to make him responsible for anything harmful resulting from the kick, even though there was already a wound in Vosburg's leg and without it there would not have been any infection at all.

Vosburg v. Putney
80 Wis. 523, 50 N.W. 403 (1891)

The Case of the Foul Ball

Hudson was sixty-five. He paid for a reserved seat at a baseball game and was hit by a foul ball and hurt. At the trial he told the court he thought the seat he was buying was protected by wire netting. It wasn't. Hudson argued that the Kansas City Baseball Club should pay his bills because it did not protect the grandstand where he sat or warn him of his lack of protection. Should he have won his case?

Hudson lost. The judge pointed out that Hudson must have seen that he wasn't behind a net since there was no proof that his vision was poor. He had been to ball games before and knew, or should have known, that there was a chance a ball would come through and hit him. He chose to remain and should not expect to be paid. The principle on which this decision was made is called "assuming the risk," and simply means that when you know you may be hurt doing something but choose to do it anyway, it is your own fault if you get hurt.

Hudson v. Kansas City Baseball Club
349 Mo. 1215, 164 S.W.2d. 318 (1942)

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RESOURCES

- MATERIALS
- PEOPLE
- USING CHILDREN'S LITERATURE

RESOURCE GUIDE

LIST OF RESOURCES FOR USE IN KINDERGARTEN THROUGH EIGHTH GRADE CLASSROOMS

Vermont Legal Education Project
Vermont Department of Education
James G. Lengel, Chief of Elementary Curriculum
Montpelier, VT 05602
(802) 828-3111

The Legal Education Project provides consulting services to teachers and schools throughout Vermont. Information about materials and resources for law related subjects is available free of charge, and periodic workshops and training institutes for educators and law professionals are conducted by the Project.

Special Committee on Youth Education for Citizenship
American Bar Association
Norman Gross, Staff Director
1155 East 60th Street
Chicago, ILL 60637
(312) 947-3960

The resources include UpDate Magazine, published quarterly, which reports on recent Supreme Court decisions, innovative classroom strategies, and important developments in the law and law related education. Each issue includes a review of elementary and secondary curriculum materials. The resources are available on request. This organization can direct you to other elementary projects throughout the country. The ABA's curriculum catalogues - the Bibliography, Media, and Gaming - gives you more than 1,500 materials for classrooms, K-12. The 1980 publication, Daring To Dream, is a book on elementary law-related education and the humanities. Other resources include consulting and clearinghouse services, regional seminars and summer institutes, and leadership seminars.

Constitutional Rights Foundation
Vivian Monroe, Executive Director
1510 Cotner Avenue
Los Angeles, CA 90025
(213) 473-5091

Carolyn Pereira, Director
Constitutional Rights Foundation/Chicago
122 South Michigan Avenue, Suite 1854
Chicago, ILL 60603
(312) 663-9057

The resources include The Living Law Series - Criminal Justice and Civil Justice, junior and senior high text and teacher guides. The Bill of Rights In Action Newsletter is published quarterly for students and teachers. Each issue focuses on current, important legal problems, includes recent Supreme Court cases, and provides classroom strategies.

Law-Related Education Program for the
Schools of Maryland
Gerard W. Paradis, Director
EM 007
5401 Wilkens Avenue
Baltimore, MD 21228
(301) 455-3239

The Law-Related Education Program for the Schools of Maryland, the National Street Law Institute and the Constitutional Rights Foundation in a joint project have developed elementary units for grades K-4 on the concepts of Responsibility, Choices, and Governance. These supplementary materials interface with appropriate social studies themes (for example, Kindergarten-Home and School) at each grade level.

Law In A Free Society
Charles Quigley, Executive Director
5115 Douglas Fir Drive
Suite #1
Calabasas, CA 91302
(213) 340-9320

LFS offers a variety of materials and services designed to prepare young people for responsible citizenship. The LFS curriculum and accompanying teacher training and classroom materials are based on eight concepts fundamental to understanding political and legal systems. These are Authority, Privacy, Responsibility, Justice, Freedom, Property, Diversity, and Participation. Of these concepts, only the first four have been completed and made available for classroom instruction. For each of the eight concepts listed above, the project has developed the following publications: Selected Readings for Teachers, Curriculum Guide, Book of Lesson Plans, and a Leader's Handbook, available for implementing the full curriculum.

National Law In Action
Trudy Faust, Coordinator
393 North Euclid
Room 211
St. Louis, MS 63108

Resources include information on the books, in the Law In Action Series, for grades five through eight, a newsletter, posters, articles on reading competencies and law-related education, teacher training and consultant services.

Institute for Political & Legal Education
Louise Stern, Elementary Curriculum Consultant
207 Delsea Drive, R.D.4, Box 209
Sewell, N.J. 08080
(609-228-6000)

IPLE specializes in educational materials and methods stressing the political and legal processes. Resources include a newsletter for educators and activity-oriented curriculum materials.

National Street Law Institute
Jason Newman, Director
605 G Street, N.W.
Washington, D.C. 20001
(202) 624-8217

The NSLI educates about the practical effect of law on everyday lives. Since 1975, NSLI has sponsored law-related programs in settings which range from secondary schools to adult education centers. NSLI also has produced a secondary text, Street Law, and extensive materials on mock trials which may be useful resources for elementary teachers.

USING RESOURCE PEOPLE IN ELEMENTARY LRE

A wide variety of resource people can be made part of a law related education unit. Police officers can participate in lessons about authority and conflict; lawyers can help students prepare for mock trials and help them analyze case studies; judges can explain how fairness is balanced in a court of law; merchants can demonstrate consumer issues; older students can discuss rules; the principal or a school board member can help students understand school policies. Laws always involve people; the more people you can involve in your lesson, the better.

Here are some guidelines for using resource people in the classroom:

1. Make sure your purpose is clear to the resource person. Explain to him or her the concept that you are trying to teach or the issue you are trying to raise. Do not simply invite them in to talk about their experiences.

2. Involve them in a lesson. Send them a copy of what you are going to do in class, and tell them what role you would like them to play in the lesson. Most resource people would much rather participate as part of a structured lesson that has a clear purpose.

3. Leave time for discussion. Most LRE lessons raise many important questions in the pupil's minds - allow time for them to discuss these questions with the resource person. Encourage students to ask "how" and "why" questions, rather than "yes" or "no" questions, and ask the resource person to explain the reasons behind the answers he/she gives.

4. Realize that many legal professionals may be unable to make an appointment because they are called into court or are otherwise unable to show up. Have a lesson ready that will work without the resource person.

5. Resource people in Vermont can be found in a variety of places. Here are some:

   School officials: principal, assistants, superintendent, school board

   Town officials: selectmen, Town Clerk, constable, alderman, mayor, health officer

   Law enforcement: local police, state police, county sheriff, motor vehicle inspectors, corrections officer, game warden

   Courts: each county has a state's attorney, public defender, court clerk, judge, assistant judge, probate judge

   Lawyers: many of the above are lawyers. There are also lawyers in private practice in most Vermont towns, and law students in some locations.

   Others: Older students, merchants, consumer advocates, other teachers, counselors, social workers

FIELD-WORK IN ELEMENTARY LRE

Law impacts us in many locations: at school, on the street, in the factory, at home, in the courtroom, in the lawyer's office. All of these places can serve as field-work sites for elementary school students. In most cases, these are not whole-class field trips; they are instead places and methods for students to gather data from the "real world". Here are some suggestions for using field-work as part of LRE.

- students survey their schoolmates' opinions on legal issues at a table in the hall.
- a small group of students spends a day in the local police station, observing and recording the day's activities.
- students count the number of cars that do a "rolling stop" at the stop sign near the school.
- students interview other teachers in the school to compile a list of classroom rules and policies.
- students analyze the unwritten rules of the school by observing and recording student behavior in the halls and on the playground.
- students in pairs interview storekeepers and shoppers on issues of advertising and consumer law.
- a student "shadows" a lawyer, judge, or police officer, and reports to the rest of the class on his experience.
- a pair of students goes out to interview the police chief and some of the town's older teenagers about the vandalism problem.
- four students are excused from class for the day to sit in on the county court. They record what happens and report back to the class.
- students visit various stores in the evening with their parents, and analyze each store according to how it attempts to prevent shoplifting.
- students interview local car mechanics and car owners to collect data on consumer issues.

In all of these settings, it is important that students are sent into the field with a clear, structured assignment, and that their work is part of a larger study, directed toward one or more legal concepts. Students should be required to do more than simply observe what's going on; they should be assigned to record what they see and hear, to categorize their observations, and to analyze them according to legal concepts.

Field-work enhances students' learning about the law; it provides fresh, concrete information; and opportunities for it can be found close by. Field-work should form a part of your schools' program.

BIBLIOGRAPHY OF CHILDREN'S LITERATURE

WITH STRONG LAW-RELATED CONTENT

Alita Z. Letwin
Assistant Director, Educational Services
Law In A Free Society Project
California

Law-related curriculum resources are already in your children's hands, on your classroom reading table, and in the school library.

What are these resources? The books, poems, and stories your children read every day. Many of these develop children's legal literacy by focusing on questions of justice and fairness, freedom and equality, rights and privacy, property and dignity, civic responsibility and participation. All are enduring concerns of humankind and fundamental concerns of the law and of our legal and political institutions.

Literature explores these issues in forms that bring enjoyment as well as enlightenment. Literature broadens perspectives and heightens awareness of one's own and other's feelings and outlooks. Using these resources to extend law-related understandings can, in turn, awaken an interest in literature itself.

To ensure that children are not glossing over the rich law-related content in their reading, teachers need to step in. They need to help the children step back from the story line, the characters, and the action to identify and reflect on the basic issues being addressed.

In the following listing, major law-related concepts developed in each book are given along with a brief description of the story line and the appropriate grade level. The books were carefully selected to (1) develop children's legal literacy by presenting legal concepts and issues accurately and well; (2) represent good literature (that is, they are generally well-written and have sensitive, believable characters, and involving plots); (3) present varied cultural experiences and perspectives; (4) depict males and females in a variety of situations and roles, and so do not perpetuate sex-role stereotypes. Teachers will probably enjoy these books as much as the children will.

FREDERICK, Leo Lionni, Pantheon (1967)
Concepts: Justice, Responsibility, Diversity
Grade Level: K-2

It was time for the field mice to gather a story of food for the coming winter. They all worked diligently - all except Frederick. When asked why he wasn't working, Frederick replied that he was gathering sun rays and bright colors and words to brighten up the cold, long winter days. When winter arrives, Frederick is called upon to contribute his supplies to the group's well-being, and indeed he does. Was he acting responsibly? Was it fair that he did not

participate in the same way as the others? What role does diversity play in society? Does everyone have to contribute in the same way? These are just a few of the questions this delightful story raises.

THE PAIR OF SHOES, Aline Glasgow, Dial Press (1971)
Concepts: Responsibility, Justice, Ownership, Cooperation, Diversity
Grade Level: 2-5 (to adult)

A poor Jewish family lives in a small Polish town at the turn of the century, sharing one room, one cow, and one pair of shoes. The shoes had belonged to the father, but now are worn when necessary by his three children, aged 12, 19, and 9. The sharing process is not a smooth one, and the one pair of shoes becomes a symbol of self-worth and maturity in addition to providing warmth and comfort. A crisis forces all in the family to re-examine what they value, and provides the opportunity to discuss many questions relating to the concepts listed above - that is, if anyone can talk through the tears that this tender, moving, and loving story evokes.

THE MONSTER IN THE MAILBOX, Sheila Gordon, Dutton (1978)
Concepts: Justice, Responsibility
Grade Level: 3-5

How often has it happened to us all? We've sent away for something that looks absolutely splendid, only to have it take weeks to arrive. And then: it is a shoddy imitation of its picture! In this tale, a youngster fights back, and we cheer him on for showing such gutsy consumer awareness.

A CHANCE CHILD, Jill Paton Walsh, Farrar, Straus & Giroux (1978)
Concepts: Justice, Freedom
Grade Level: 5-7

Child labor in the mines and mills of Britain during the Industrial Revolution was a common occurrence, but its impact is different when seen through the eyes of a contemporary child. The author ably accomplishes this trick through the use of fantasy, when a boy named Creep is transported through time. How do our ideas of the rights and responsibilities of children compare with those of that day? What are the reasons for the similarities and differences? Have our ideas about justice for children and responsibility for them altered over the past hundred years? How is this reflected in our laws and practices? This book helps sharpen the focus of such questions.

NIGHT JOURNEYS, Avi (Wortis), Pantheon (1979)
Concepts: Authority, Freedom, Justice
Grade Level: 5-7

What is to be done when moral conviction and the law clash? Two characters in this historical novel face this question: Peter York, a

12-year-old orphan, and his guardian, Mr. Shinn, a Quaker Justice of the Peace. The setting is colonial Pennsylvania, and Shinn has been called upon to aid in the capture of two runaway indentured servants, English felons sentenced to servitude in the colonies. Peter eagerly joins the the hunt until he discovers that the "felons" are children his own age. Was justice served in their case? Were they justified in seeking their freedom? Is the law's authority paramount? The novel lends itself to discussion of such issues while it presents a well written, gripping adventure. This would be a good book to team with Huckleberry Finn, which poses a similar dilemma when Huck is asked to help Jim, a slave, escape to freedom.

THE TALE OF PETER RABBIT, Beatrix Potter, F. Warne & Co.
Concepts: Authority, Responsibility, Rulemaking
Grade Level: K-3

Ah. The many messages in these tales! We all surely know this tragic episode, Peter told not to venture near McGregor's garden, the chase and narrow escape. So many levels of meaning to pursue but mostly importantly, the story provides a vehicle for children to talk about and compare these experiences with incidents in their own life.

THE CAT IN THE HAT, Dr. Seuss, Random House (1957)
Concepts: Authority, Responsibility, Rulemaking
Grade Level: K-3

Absence of authority in this story leads to reasoning about why we need authority. Two children are along and bored on a rainy day, when the cat in the hat appears and asks to come in. Their gold fish warns them not to let the cat in. The cat, however, is very persuasive and bold and in he comes. He also brings Thing One and Thing Two and bedlam reigns.

SHIVER, GOBBLE AND SNORE, Marie Winn, Simon & Shuster (1972)

Shiver, Gobble and Snore are three fanciful types whose plight with an abusive king leads them to a land where there are no laws. It's then that they begin to discover why people need laws. Provides a delightful base for early conceptualizing about the reasons for rules and what rules/laws do in helping people live together.